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FROM

William H. Whitmore

THE

COLONIAL LAWS

OF

MASSACHUSETTS.

REPRINTED FROM THE EDITION OF 1672,

WITH THE SUPPLEMENTS THROUGH 1686.

Published by Order of the City Council of Boston,

UNDER THE SUPERVISION OF WILLIAM H. WHITMORE,

RECORD COMMISSIONER.

CONTAINING A NEW AND COMPLETE INDEX.

BOSTON:

1887.

HARVARD
OCT 3 1887
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PRESSWORK BY ROCKWELL AND CHURCHILL

CITY PRINTERS

INTRODUCTION.

THE City Council of Boston having directed the Record Commissioners to prepare and publish an edition of the Colonial Laws in force prior to the Second Charter, the following volume is the result.

The various issues of Laws under the First or Colonial Charter were as follows: In 1641 the Body of Liberties was prepared by Rev. Nathaniel Ward, of Ipswich, and, after revision, was adopted for three years by order of the General Court. It was probably never printed, but in 1843 the late Francis C. Gray announced that a manuscript copy had been discovered by him in a volume preserved in the Boston Athenæum. A careful transcript was published by him in the Collections of the Massachusetts Historical Society, 3d Series, Vol. VIII.

In 1648 the first edition of the Laws of the Colony was printed; but that issue seems to be utterly lost and unattainable.

Supplements were printed from time to time, and in 1660 a second Revision was put to press. Copies of this second edition are extant in various libraries. The third Revision was published in 1672, and is hereinafter reproduced. Supplements were afterwards issued, consisting sometimes of a single act, until the overthrow of the Colonial government and the termination of the First Charter, May 20, 1686. Under Andros the form of the laws was entirely altered; but with the Second Charter, establishing the Province of Massachusetts Bay, the old forms of legislation were revived. As is well known, the Acts and Resolves of the Province are in course of republication, under the able supervision of Abner C. Goodell, the first volume bearing date in 1869. The earliest act in that series is dated Nov. 10, 1692.

The edition of 1672 was selected as the basis for this reproduction because it afforded a certainty as to the legislation on and after that date. Every revision is apt to contain not only the substance of previous statutes, but such changes as seem to the editors to be imperatively demanded. The edition of 1660, if reprinted with all its Supplements, would not have rendered unnecessary the reprinting of the edition of 1672. It is hoped, however, that hereafter orders may be given for a similar reproduction of the edition of 1660, and for such a volume are reserved all bibliographical notes on the subject.

The present volume is reproduced from an original, by the photo-electrotype process. After a careful consideration of the subject, it appeared that the slightly increased cost of the plates over ordinary type-work was counterbalanced by the saving in proof-reading, corrections, and special types. By this process the reader has before him what is, in theory, an exact reproduction of the original printed pages, printed in regular form with printers' ink. Every peculiarity of the original is reproduced, even to the errors of the text, the imperfections of the type, and the quaint ornaments of the titles. No proof-reader can pretend to greater accuracy than the camera; and, where an error in sense is obvious, the student feels sure that the mistake was in the original.

But, as most human inventions fall short of perfection, it must be added that photography is not quite infallible. The imperfections of the original are exaggerated, the shadows caused by the deep impressions of the types cause a raggedness in the copy, and occasionally a blurred letter barely discernible in the old text becomes nothing but a blot in the new. Then the plate requires the touch of the graver's tool to correct the outline, or a letter has to be cut out and replaced by a type. Herein, alone, there is a possibility of error, and that possibility is, doubtless, less than that of an oversight on the part of a proof-reader in case the entire volume has been set up with modern type. Every possible care has been taken by repeated collations of each page of the new with its original, and it is confidently hoped that the errors, at most, are of single letters, not affecting the sense, and easily corrected by the context.

By the kindness of the Trustees of the Boston Athenæum, the editor has had the use of a copy of the edition of 1672, with the Supplements, now preserved in that library. It is a volume unequalled by any other extant, and is as near a perfect collection as can be imagined. It was the property of Elisha Hutchinson, who died in 1717, and who was the grandfather of Gov. Thomas Hutchinson. Mr. F. C. Gray has pointed out that this volume contains the only known copy of the Body of Liberties of 1641; it also contains the Laws of 1672, and every printed Supplement which has yet been found anywhere. I have subjoined a particular account of these Supplements, and will only say that ample space is left in my edition for the insertion of any new discoveries or recoveries.

The great difficulty, in deciding upon the completeness of the transcript here given, is, that Secretary Rawson made serious errors in the pagination of his successive issues. To establish this point the reader is referred to the pages numbered (in large type) 211–216. He will see that even at that early stage of the pagination there are two sets of pages numbered 11, 12, and 13, in the original. Evidently Rawson discovered his mistake, and corrected it, making his issue of October 7, 1674, begin with the proper page, 17. But he did not get his signatures (at the foot of the page) correct again, until he reached page 25 (my page *225*), with signature G, as he put signature D on page 19.

In due order pages 17 and 18 should have been signature D; pages 19, 20, and 21, signature E; page *223*, signature F; and page 25 (*225*), signature G, as it stands.

The fact that Hutchinson does not insert any other broadsides from page 21 to 25, except the Council Order, which I number page 223, makes it quite probable that no other laws were printed and issued in that period. Still, I am not quite positive that no broadside of Laws was issued, because there was a brief session of the General Court on July 9, 1675, and some matters were really laws. But Hutchinson notes in writing on his copy, page 21, as follows:—

"July 9, 1675. That part of y^{e} Law, page 78, Impowering

the Treasurer to license persons to sell Armes, etc., to the Indians is hereby Repealed. Castle Sould[re] not Exempt from Watches in any Extraordinary Cases." It is an almost unavoidable inference that, had these clauses been printed, Hutchinson would not have written them down.

From page 25 to page 43, inclusive, everything in regular order. Page 44 is doubtless the blank *verso* of page 43, and is so marked by Hutchinson, who, however, inserts at that point a Council Order, dated April 4, 1676, printed by me in the Appendix, page *337*. Although I have counted in a Council Order as page 23, it seems as if that was the sole exception to the rule of counting only the laws passed by the General Court, and also of allowing in the pagination for blank *versos*.

Pages 45–48 inclusive are correct, and then Rawson begins the Laws of May 23, 1677, with page 49, in due regular course. But Hutchinson puts into his copy at this point the Court Order of May 3, 1676, printed by me as page *248a;* and also a Court Order of May 3, 1676, printed by me in the Appendix, page *337*; three pages of Laws about Tything-men (Appendix, pages *339–341*); a Council Order of March 29, 1677 (see my Appendix, page *345*); and a Council Order of April 9, 1677 (see my Appendix, page *347*).

It will be noted that I have inserted in the text at this point extra page *248a*, with its blank *verso*. This I do because it seems to be an official publication, with the Colony seal to it, though I fail to find any such law recorded in the official record, and although Hutchinson had written, at the foot of his page 48, "There was no more laws made in this year 1676." Rawson makes page 49, in regular course, signature M, and evidently did not recognize this extra sheet. I therefore insert it, but do not include it in my new pagination.

From this point, through page 72, the paging is regular, but on page 63 the signature is G3, an error for O3, and page 77 is not numbered. But from page 73 to page 87 there is a manifest blunder again, or there are pages missing in Hutchinson's copy.

Page 73 is doubtless the blank page of a four-page issue, of which pages 74 and 75 are printed. It is so numbered in Hutchinson. Then there is a similar four-page sheet, with printing on the two inside pages only (my pages *277–280*), dated May 19, 1680, and not numbered. Then comes signature S, pages 77–79, dated Oct. 13, 1680; next a single page (Laws of March 4, 1680, my page *285*); and we then come to pages 87–92, signature W.

It will be seen that the simple plan of counting the blank versos and titles to four page-sheets will bring page 87 into its right place as my page *287*. It is also seen that signature T is missing, but undoubtedly belongs to my page *285*. But I am not sure that there was not another broadside of one page printed, because at this point Hutchinson inserts in manuscript certain Laws passed at the General Court, 16 March, 1680–1. These I have printed in my Appendix, page *351*.

Pages 87–92 are all in order, as signature W. Pages 93–96 make signature X. But here Hutchinson inserts the Law of May 24, 1682, concerning foreign coin, which I have numbered *292a*, so as to retain the old paging. This *may* be the missing signature W, though it is not allowed for in the original paging.

After page 96 Hutchinson inserts two pages of Laws of Oct. 11, 1682, which I print as pages *296a* and *296b*. These are genuine, and there seems to be no reason for this omission in Rawson's calculations.

But Rawson begins his Laws for February and March, 1682–3, with signature Y, pages 97–99; then prints the Laws of October 10, 1683, as pages 98–99; signature Y also (thus duplicating pages 98–99), as the inside pages of a four-page issue; and again prints pages 100–101, signature Z, as the inside pages of a sheet, being the Laws of May 7, 1684.

Then Rawson makes page 103 his signature Aa.

Now, it is evident that from page 97 onward the reckoning was lost. Signatures Aa, Bb, and Cc, cover pages 103–111, but signature Dd is pages 121–123, and signature Ee is pages 125–126. It is impossible to resist the surmise that 121 was a mistake for 112. Hutchinson has preserved several of the sheets, but not

enough to account for the gap from page 111 to 121, and yet he may have collected all that there were.

In this state of affairs I have printed all the sheets in Hutchinson, allowing blank pages for versos, etc., and have kept my new continuous pagination at the top, for convenience in reference.

In detail, I note that page 106 is evidently a blank *verso;* but signature Bb ends with a blank page, *verso* to 109, and signature Cc (page 110–111) is a four-page sheet, with only the inside pages in print: yet the paging makes no account of the blanks.

After page 111 Hutchinson inserts a Law of January 28, 1684-5 (my page *327*), and a manuscript copy of the Law of March 18, 1684-5 (printed in my Appendix, page *353*). He states that this Law was engrossed and published by the order of the Court, and left on file; hence a printed copy may yet be found. If that Law covered the inside pages of a four-page sheet, and all the blank versos were counted after page 109, we might make out to begin signature Dd with page 121, as Rawson did. It is to be noted, also, that there was a short session of the General Court on May 6, 1685, and a Law was passed amendatory of the Law of March 18 previous. This may have also been printed, and have helped to fill out the apparent gap in the pagination.

Hutchinson also inserts a Council Order of April 2, 1685, concerning Goffe, the Pirate (see my Appendix, page *355*).

It is to be noted that in this last sheet the Laws relating to Imposts and to Wills were passed May 27, 1685, and that inserted between them are the Laws relating to Fences, to Treasurers, and to Attachments, passed Oct. 14, 1685. There were other meetings of the General Court between these dates.

I desire to acknowledge the courtesy of Dr. George H. Moore, of the Lenox Library, in examining the proof-sheets of this issue. His collection of the Laws is undoubtedly better than that in any other private collection, but I understand that he is unable to add anything to the text here given.

The old Index of 1672 was reprinted as an integral part of the book, but a new Index, comprising the whole volume, has been prepared by Mr. Frederick E. Goodrich of this city.

A few Errata are to be noticed in the present limited edition, to be corrected hereafter.

On p. 41 add the signature H.
" " 137 correct the signature to Ii.
" " 140 add the catch-word "To."
" " 168 amend the signature Rr.

Also note that in the original the impression of the Colony Seal faces the title-page, but in this issue it is put on the verso of the title.

Lastly I would give the unnecessary caution that all the surmises and explanations made in this preface do not affect the integrity of the text. I have reprinted every known supplement, and have left enough blank pages for corrections. Whether or not a few more pages will ever be found, I believe the reader has an exact transcript of a unique text, the very best one obtainable.

I would earnestly request any one who may note any errors in this edition, or any additions to the text, to communicate with me, the plates are preserved for future issues.

WILLIAM H. WHITMORE,
Record Commissioner.

City Hall, Boston, July 15th, 1887.

THE GENERAL
LAWS
And
LIBERTIES
of the
MASSACHUSETS
COLONY:

Reviſed & Re-printed.

By Order of the General Court Holden at *Boſton*, *May* 15th. 1672.

Edward Rawſon Secr.

Whoſoever therefore reſiſteth the Power, reſiſteth the Ordinance of God and they that reſiſt receive to themſelves Damnation. Rom. 13. 2.

CAMBRIDGE

Printed by Samuel Green, for John Uſher of Boſton.

1672.

SIGILLVM GVBERNATORIS ET SOCIETATIS DE MATACHVSETS IN NOVA ANGLIA

THE GENERALL LAWS OF THE *MASSACHUSETS* COLONY,

REVISED AND PUBLISHED, BY ORDER OF THE

GENERAL COURT

in *October* 1658.

The Civil priviledges of the Inhabitants of this Colony.

FOraſmuch as the free fruition of ſuch Liberties, Immunities, Priviledges, as Humanity, Civillity and Chriſtianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Common-wealth, and the denyall or deprival thereof, the diſturbance, if not ruine of both.

It is therefore Ordered by this Court and the Authority thereof, That no mans life ſhall be taken away, no mans Honour or good Name ſhall be ſtained, no mans perſon ſhall be arreſted, reſtrained, baniſhed, diſmembred, nor any wayes puniſhed; no man ſhall be deprived of his wife or children, no mans goods or eſtate ſhall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unleſs it be by virtue or equity of ſome expreſs Law of the Country warranting the ſame, eſtabliſhed by a General Court, and ſufficiently publiſhed; or in caſe of the defect of a Law, in any particular caſe, by the word of God. And in Capital Caſes, or in Caſes concerning diſmembring, or baniſhment, according to that word, to be judged by the Generall Court. [*1641.*]

Ability. Age.

Age of diſcretion.

Liberty to diſpoſe Eſtate.

IT is Ordered by this Court and the Authority thereof; That the age for paſſing away Lands, or ſuch kinde of Hereditaments, or for giving of Votes, Verdicts or Sentences in any civil Courts or cauſes, ſhall be one and twenty years, but in chuſing Guardians, fourteen years. And all perſons of the age of one and twenty years, as aforeſaid, and of underſtanding and memory, whether excommunicate, condemned, or other, ſhall have full power and liberty, to make their Wills and Teſtaments, and other lawfull Alienations of their Lands and Eſtates. [*1641. 47.*]

Age for Plantiffs and Defendants.

Age for Plaintiff and Defendant.

IT is Ordered by this Court and the Authority hereof, that the age for *Plantiffs* and *Defendants* in civil Cases, before any Magistrate, Commissioner or Court of Judicature, shall be twenty one years of age, and for all persons under that age, their *Parents*, *Masters*, and *Guardians* as they shall see meet shall plead and defend their right and interest, as the matter may require; and in all Criminal cases, every person younger as well as elder, shall be liable to answer in their own persons, for such misdemeanours as they shall be accused of, and may also inform and present any misdemeanour to any Magistrate, Grand-jury man, or Court, any Law, Custome or Usage to the contrary notwithstanding. [*1668.*]

Actions.

Actions when tryable.

IT is Ordered by this Court and the Authority thereof; That all Actions of Debt, Accounts, Slander, and Actions of the Case concerning Debts and Accounts, shall henceforth be tryed, where the Plaintiffe pleaseth, so it be in the Jurisdiction of that Court, where the Plaintiffe or defendant dwelleth, unless by consent, under both their hands it doth appear, they would have the case tryed in any other Court. All other Actions shall be tryed, within that Jurisdiction where the cause of the Action doth arise.

Rule for entry of Actions.

2. *Whereas sundry Inconveniences do arise, by reason that Plaintiffs in Civil Cases do delay to Enter their Actions, to the great expence of much precious time, and damage to the Publick:*

This Court doth therefore Order, That henceforth no Action shall be Entred after the first day of the Court is ended. And in case any Plaintiff shall delay his Entry longer then the first Forenoon of the Courts sitting, every such person or persons shall pay double Entry-money. And all persons, whether Parties or Witnesses, are enjoyned to attend their respective Concerns in every Court of Justice, as well the first Forenoon of the Court, as afterwards; and shall present the whole Plea and Evidence before the Case be committed to the Jury, and no after-Plea or evidence shall be admitted to any person, Any Law, Usage or Custome to the contrary notwithstanding. And for that end, all Marshalls and Constables are enjoyned to make their Returns of Attachments by them served, sometime the first Forenoon of the Court that is to take cognizance of the Case concerned therein. Provided, That the double Entry-money be paid by him that so neglects his Entry, and not put the Defendant to unnecessary charge through his default. [*1665.*]

Actions of trespass under forty shillings.

3. In all Actions of Trespass, where Damage shall be pretended, above *Forty shillings*, and yet on the hearing thereof, it shall appear to the Court to come under that value, in all such Cases, the Plaintiffe shall lose his Action, and pay the Defendant cost.

Fees for Entry of Actions.

4. Every Person impleading another, in any Court of Assistants or County Court, shall pay the sum of *ten shillings*, before his Case be Entred; and for every Action of above *forty shillings* value, tryable before the Commissioners of *Boston*, *ten shillings*; and for all Actions under *forty shillings*, tryable before the said Commissioners. one Magistrate, or the three Commissioners, for ending small Causes, *ten Groats*, unless the Court see cause to admit any to Sue *in forma pauperis*. [*1642. 52.*]

A. 52. p. 7.

5. And

5. And where the Debt or Damage recovered, ſhall amount to *Ten pounds*, in every ſuch caſe to pay *five ſhillings* more; and where it ſhall amount to *Twenty pounds* or upward, there to pay *ten ſhillings* more then the firſt *ten ſhillings*; which ſaid additions, together with the charge of the Entry of the Action, ſhall be put to the judgement and execution, to be leavied by the Marſhall, and accounted to the reſpective Treaſurers to whom it appertaineth. [*1647.*]

Addition of fees of Actions.

6. *Whereas the Country is put to great Charge, by this Courts attending Suits Commenced or Renewed by Petition or Review.*

It is Ordered that in all ſuch caſes; if it appear to the Court, that the Plaintiffe had no juſt cauſe of any ſuch proceeding, the ſaid Plaintiffe ſhall bear the whole charges of the Court, both for time and expences, which they ſhall judge to be expended by his occaſion; and may further impoſe a fine upon him, as the merit of the cauſe ſhall require; but if they finde the defendant in fault, they ſhall impoſe the juſt charges upon ſuch defendant.

Actions brought to the General Court to bear the charge of the Court.

7. And in all Actions brought to any Court, the Plaintiffe ſhall have liberty to withdraw his Action or to be non-ſuited, before the Jury have given in their verdict; in which caſe, he ſhall alwayes pay full coſts and charges to the defendant, and may afterward reniew his Suit at another Court. [*1641.*]

Plaintiff liberty to withdraw his Action.

8. And it is Ordered, that no man in any Suit or Action againſt another, ſhall falſely pretend great Damages or Debts, to vex his Adverſary; and in all caſes where it appears to the Court, that the Plaintiffe hath willingly and wittingly done wrong to the Defendants in commencing and proſecuting any Action, Suit, Complaint or Inditement, in his own name, or in the name of others, he ſhall pay treble damages to the party grieved, and be fined *Forty ſhillings* to the common Treaſury. [*1641. 46.*]

L.1.p.16.49

Vexatious Suits to pay treble damage and be fined 40. ſhill.

APPEAL.

IT is Ordered by this Court and the Authority thereof: That it ſhall be in the liberty of every man caſt, condemned or Sentenced in any Inferiour Court, to make his Appeal to the Court of Aſſiſtants: as alſo to appeal from the ſentence of one Magiſtrate, or other perſons deputed to hear and determine ſmall cauſes, unto the ſhire Court of each Juriſdiction, where the cauſe was determined. Provided they tender their Appeal, and put in ſecurity before the Judges of the Court, to proſecute it to effect, and alſo to ſatisfie all damages, before execution granted; which ſhall not be till twelve hours after Judgement, except by ſpecial order of the Court. And if the cauſe be of a criminal nature; then alſo to put in ſecurity for the good behaviour and appearance at the ſame time: and if the point of appeal, be in matter of Law, then to be determined by the Bench, if in matter of fact by the Bench and Jury. And if in the Court of Aſſiſtants, two of five, three of ſeven, or ſuch a proportion of the Magiſtrates then preſent, ſhall actually diſſent from the ſentence of the Court in any Capitall offence, it ſhall then be in the liberty of the party ſentenced, to appeal to the next General Court.

Liberty to appeal

before Execution.

In criminal cafes to be bound to the good behaviour.

Appeals to the General Court.

L. 2. p. 1.

Appealant to give his reaſons ſix dayes before.

A. 51. p. 1.

Not proſecuting an Appeal, forfeit forty ſhill.

2. It is further Ordered; That all Appeals with the ſecurity as aforeſaid, ſhall be recorded at the charge of the party Appealing, and certified unto the Court, to which they are made. And the party Appealing, ſhall briefly in writing (without reflecting on Court or Parties, by provoking Language) under his own or his Atturnies hand, give in to the Clerk of the Court from which he did Appeal, the Grounds and Reaſons of his Appeal, ſix dayes before the beginning of the Court, to which he did Appeal; to which Court the ſaid Clerk ſhall return the ſaid writing, and give copies thereof to the Defendant if he deſire the ſame. And whoſoever ſhall Appeal from the Sentence of any Court, and not proſecute the ſame to effect, according to Law, ſhall beſides his Bond to the party, forfeit to the Country, the ſum of *Forty ſhillings* for every ſuch neglect.

A. 43. p. 19.

No Judge Appealed from, may judge the action of Appeal.

A. 54. p. 2.

Errour may be rectified, with reverſing the former judgement.

3. *And for a more clear and equal hearing and determining all Caſes of Appeal*; It is Ordered, That no perſon that hath ſate as Judge, or voted in any inferiour Court, in that caſe he is Appealed from, ſhall have any vote in the Superiour Court Appealed to, but the caſe ſhall be determined by ſuch as are no wayes engaged in the ſame, by Judging or Voting formerly: Provided there be more Magiſtrates Appealed to, then thoſe that ſate in the Court Appealed from. And in all caſes of Appeal, the Court Appealed to ſhall Judge the caſe, according to former Evidence, and no other, rectifying what is amiſs therein; and where the matter of fact is found to agree with the former Court, and the Judgement according to Law, not to revoke the Sentence or Judgement, but to abate or increaſe damages, as ſhall be judged right; any uſe or cuſtome to the contrary notwithſtanding. [*1642. 47. 49. 50. 53. 54.*]

Appeal from the Aſſociate Court in Dover and Portſmouth tryable.

ON a *motion of the Deputies of* Dover *and* Portſmouth, *in behalf of moſt of the Freemen there, That whereas they have power in their Aſſociate Courts to try any Caſe under* Twenty pounds, *and finding no Law where they may Appeal, but to the Court of Aſſiſtants, the Actions being many times very ſmall, and is great charge to come to* Boſton *for every ſmall Caſe: it is their deſire, that the Court would grant them an Order, that any perſon coſt or condemned, may Appeal to the County Court held in* Dover *or* Portſmouth, *and that ſome perſons may have Magiſtratical Power in that County as formerly*:

The Court judgeth it meet to grant their requeſt; And it is Ordered that henceforth it ſhall be in the liberty of Plaintiffe and Defendant, in all Caſes tryable, before the Court of Aſſociates in *Portſmouth* and *Dover*. to Appeal to their next County Court in *Dover* or *Portſmouth*, as in other caſes, any cuſtome or uſage to the contrary notwithſtanding. [1670.]

Appearance. Non-appearance.

Immunity from puniſhment in caſe of inevitable obſtruction.

IT is Ordered by this Court and the Authority thereof; That no man ſhall be puniſhed for not appearing at or before any Civil Aſſembly, Court, Council, Magiſtrate or Officer, nor for the omiſſion of any Office or Service; if he ſhall be neceſſarily hindred, by any apparent Act or Providence of God, which he could neither foreſee nor avoid; Provided that this Law ſhall not prejudice any perſon of his juſt coſt and damage in civil action. [1641.]

Apparel.

APPAREL.

ALthough ſeveral Declarations and Orders have been made by this Court, againſt exceſs in Apparel, both of Men and Women, which have not taken that effect as were to be deſired, but on the contrary; we cannot but to our grief take notice, that intollerable exceſs and bravery hath crept in upon us, and eſpecially amongſt people of mean condition, to the diſhonour of God, the ſcandall of our profeſſion, the conſumption of Eſtates, and altogether unſuitable to our poverty: and although we acknowledge it to be a matter of much difficulty, in regard of the blindneſs of mens minds, and the ſtubbornes of their wills, to ſet down exact Rules to confine all ſorts of perſons; yet we cannot but account it our duty, to commend unto all ſorts of perſons, the ſober and moderate uſe of thoſe bleſſings, which beyond expectation, the Lord hath been pleaſed to afford unto us in this wilderneſs, and alſo to declare our utter deteſtation and diſlike, that men or women of mean condition, ſhould take upon them the garb of Gentlemen, by wearing Gold or Silver lace, or Buttons, or Points at their knees, or to walk in great Boots; or Women of the ſame rank to wear Silk or Tiffiny hoods, or Scarfes, which though allowable to perſons of greater Eſtates, or more liberal education, yet we cannot but judge it intollerable in perſons of ſuch like condition: A. 51. p 5.

Exceſs in Apparel prohibited.

It is therefore Ordered by this Court and the Authority thereof; that no perſon within this Juriſdiction, nor any of their relations depending upon them, whoſe viſible eſtates real and perſonal, ſhall not exceed the true and indifferent value of *two hundred pounds*, ſhall wear any Gold or Silver lace, or Gold and Silver Buttons, or any bone lace above two ſhillings *per yard*, or ſilk hoods, or ſcarfs, upon the penalty of *ten ſhillings* for every ſuch offence, and every ſuch delinquent to be preſented by the Grand-jury; *And foraſmuch as diſtinct and particular rules in this caſe ſuitable to the eſtate or quality of each perſon cannot eaſily be given:* It is further Ordered by the Authority aforeſaid, that the Select Men of every Town, or the Major part of them, are hereby enabled and required from time to time, to have regard, and take notice of Apparel of any of the Inhabitants of their ſeverall Towns reſpectively, and whoſoever they ſhall judge to exceed their ranks and abilities, in the coſtlineſs or faſhion of their Apparel in any reſpect, eſpecially in the wearing of Ribbonds or great Boots, (Leather being ſo ſcarce a commodity in this Country) Lace, Points, &c. Silk Hoods, or Scarfes, the Select men aforeſaid ſhall have power to aſſeſs ſuch perſons ſo offending in any of the particulars above mentioned in the Country Rates, at *two hundred pounds eſtates*, according to that proportion that ſuch men uſe to pay to whom ſuch Apparrel is ſuitable and allowed, Provided this Law ſhall not extend to the reſtraint of any Magiſtrate or publick Officer of this Juriſdiction, their Wives and Children, who are left to their diſcretion in wearing of Apparel, or any ſetled Military Officer, or Souldier in the time of Military ſervice, or any other whoſe education and imployment have been above the ordinary degree, or whoſe eſtate have been conſiderable, though now decayed. [*1651.*]

As an Addition to the Laws about Apparel.

WHereas exceſs in Apparel amongſt us, unbecoming a Wilderneſs-condition, and the profeſſion of the Goſpel, whereby the Riſing Generation are

in danger to be Corrupted and Effeminated; which practiſes are witneſſed againſt by the Laws of God, and ſundry Civil and Chriſtian Nations:

Addition to the Law for Apparel

It is therefore Ordered and Enacted by this Court, and the Authority thereof, That all perſons within this Juriſdiction, whether the Children, or Servants that are under government in Families, that ſhall wear any Apparel exceeding the quality and condition of their Perſons or Eſtate, or that is apparently contrary to the ends of Apparel; and either of theſe to be ſo judged by the Grand-jury and County Court of that Shire where ſuch complaint or preſentment is made: All ſuch perſons being Convicted, ſhall for the firſt offence be Admoniſhed; for the ſecond offence pay a fine of twenty ſhillings; for the third offence, forty ſhillings, and ſo following, as the offences are multiplied, to pay forty ſhillings a time to the Treaſury of that County. Alſo if any Taylor ſhall make or faſhion any Garment for ſuch Children or Servants under government as aforeſaid, contrary to the mind and order of their Parents or Governours; every ſuch Taylor ſhall for the firſt offence be Admoniſhed; and for the ſecond offence, forfeit double the value of ſuch Apparel or Garment as he ſhall faſhion or make, contrary to the minde and order of their Parents or Governours; half to the Owner, and half to the Country. And all Grand-jury men are hereby enjoyned to Preſent all thoſe whom they do judge breakers of this Order. [*1662*]

ARRESTS.

None to be kept in priſon for debt that have not to ſatisfie.

IT is Ordered by this Court and the Authority thereof; That no mans perſon ſhall be Arreſted or Impriſoned for any Debt or Fine, if the Law can finde any competent means of ſatisfaction, otherwayes from his eſtate, (except in ſpecial Contracts, as in the Law of Payments) And if not, his perſon may be Arreſted and Impriſoned, where he ſhall be kept at his own charge, not the Plaintiffs, till ſatisfaction be made, unleſs the Court that had cognizance of the cauſe, or ſome ſuperiour Court ſhall otherwiſe determine; provided nevertheleſs, that no mans perſon ſhall be kept in priſon for debt, but when there is an appearance of ſome eſtate which he will not produce, to which end, any Court or Commiſſioners Authorized by the General Court may Adminiſter an Oath to the party, or any other ſuſpected to be privy in concealing his eſtate, but ſhall ſatisfie by ſervice if the Creditor require it; but ſhall not be ſold to any but of the Engliſh Nation. [*1641. 47.*]

The Keepers diſcharge of Priſoners in Caſe.

It is Ordered, That when any perſons are Committed to Priſon in any Civil Action, the Keepers of the Priſon ſhall not ſtand charged with their ſupply of Victuals, or other Neceſſaries. And in caſe the Priſoner hath no Eſtate, and will be depoſed before any Magiſtrate, that he is not worth five pounds, the Plaintiff ſhall provide for his relief, or otherwiſe the Keeper ſhall not ſtand charged with him: and all ſuch charges the Plaintiff ſhall have power to levy with the Execution, before the party be delivered from Priſon.

COmplaint being made to this Court, of abuſe offered to Juſtice, through liberty granted, by the Keepers of the Priſons, to ſuch perſons as ſtand Committed for payment of fines, and on Execution granted in Civil Caſes:

This Court do Order; That no perſon or perſons Committed as aboveſaid, ſhall be permitted by the Keeper of the Priſon, to go at liberty without the precincts of the Priſon, but by the Licenſe of the Court that Committed him, or of the Creditor for whom Execution is granted; on penalty of paying the fine impoſed, and ſatisfaction of the Execution in any Civil Caſe. [*1662*]

Keepers of Priſoners danger

IT is Ordered, that the Keeper of the Priſon for the time being, ſhall henceforth have the ſame liberty that the Marſhall hath in all Civil Caſes; to take ſufficient Bayle after Commitment as the Marſhall might before Commitment. [*1662.*]

Keepers liberty to take Baile.

Attachments. Summons.

IT is Ordered by this Court and Authority thereof; That it ſhall be the liberty of every Plaintiff, to take out either Summons or Attachments againſt any Defendant; Provided no Attachment ſhall be granted in any Civil Action, to any Forreigner, againſt a ſetled Inhabitant in this Juriſdiction, before he hath given ſufficient ſecurity or caution, to proſecute his Action, and to anſwer the Defendant ſuch coſts, as the Court ſhall award him:

L. 2. p. 12.

Plaintiffs liberty to take Summons or Attachments.

Forreign Plaintiffs to put in ſecurity.

1. And it is further Ordered that in all Attachments of Goods and Chattels, or of Lands and Hereditaments, legal notice ſhall be given to the party, or left in writing at his houſe or place of uſual abode, otherwiſe the ſuit ſhall not proceed; notwithſtanding, if he be out of this Juriſdiction, the cauſe ſhall then proceed to tryal, but Judgement ſhall not be entred before the next Court, and if the Defendant do not then appear, Judgement ſhall be entred, but Execution ſhall not be granted before the Plaintiff hath given ſecurity to be reſponſal to the Defendant, if he ſhall reverſe the Judgement within one year, or ſuch further time as the Court ſhall limit.

Execution reſpited.

2. And it is hereby Declared, that no Summons, Pleading, Judgement, or any kinde of proceeding in Courts or courſe of juſtice, ſhall be abated, arreſted or reverſed upon any kinde of circumſtantial errours or miſtakes, if the perſon and cauſe be rightly underſtood and intended by the Court. And in all Caſes where the firſt Summons are not ſerved ſix dayes inclusively before the Court, and the Caſe briefly ſpecified in the Warrant, where appearance is to be made by the party Summoned, it ſhall be at his liberty whether he will appear or not, except all caſes that are to be handled in Court ſuddenly, called on extraordinary occaſion.

L. 2. p. 49.

Circumſtantiall errours.

Summons to be ſerved ſix dayes before the Court

3. *And whereas Suits at Law, many times ſuch as do proſecute the ſame in their own name, in procuring the proceſs; intend and do declare in the name, and on the behalf of others,* viz. *as Executors, Adminiſtrators,*

A. 51 p. 2.

In whoſe name to take out proceſs.

Aſſignes, Atturnies, Guardians, Agents or the like, which is not only improper, but tendeth alſo to uncertainty; for prevention whereof:

It is Ordered, That henceforth the Original proceſs, whether Summons or Attachments ſhall expreſs in whoſe name the Plaintiff ſueth, whether in his own name, or as Executor of the laſt Will and Teſtament of ſuch a man, or Adminiſtrator of the Goods and Chattels of ſuch a man, or Aſſigne, Atturney, Guardian or Agent of ſuch a man, or the like, or otherwayes, if exception be taken before the parties joyn iſſue, it ſhall be good, and the Plaintiff ſhall be liable to pay coſt. [*1641. 44. 47. 51.*]

Marſhalls may ſerve Attachments.

WHereas it hath been commonly practiſed, that Attachments have been directed to the Marſhall to be ſerved in any Town under the Juriſdiction of that Court whereof the Marſhall is Officer, notwithſtanding the Law doth Order, that all Attachments ſhall be directed to the Conſtable in ſuch Towns where no Marſhall dwells:

Marſhalls may ſerve Attachments.

It is hereby Ordered and Declared, That the ſaid Cuſtome ſhall be accounted legal, and ſhall not abate the Proceeding or Tryal of any Cauſe. Provided no more Coſts be charged on the Defendant, then by Law are due to Conſtables for ſerving Attachments. [*1662*]

BAKERS.

IT is Ordered by this Court and Authority thereof; That henceforth every Baker ſhall have a diſtinct mark for his Bread, and keep the true Aſſizes, as hereafter is expreſſed, *viz.* when Wheat is ordinarily ſold for money at theſe ſeveral Rates hereafter mentioned, the penny white loaf by averdupois weight, when Wheat is by the buſhel——

Weight of Bread

at 3 s. 0 d.	the white	11	ounces 1	qr.	wheat 17	ounces 1 qr.	houſhold 23 ounc. 0.
at 3	6	10	1		15	1	20 2.
at 4	0	09	1		14	0	18 2.
at 4	6	08	1		11	3	16 2.
at 5	0	07	3		11	2	15 2.
at 5	6	07	0		10	2	14 0.
at 6	0	06	2		10	0	13 0.
at 6	6	06	0		09	2	12 2.

And ſo proportionably, under the penalty of forfeiting all ſuch Bread as ſhall not be of the ſeveral Aſſizes aforementioned, to the uſe of the poor of the Town where the offence is committed, and otherwiſe as is hereafter expreſſed, and for the better execution of this preſent Order; there ſhall be in every Market Town, and all other Towns needfull one or two able perſons annually choſen by each Town, who ſhall be ſworn at the next County Court, or by the next Magiſtrate, unto the faithful diſcharge of his or their Office: who are hereby Authorized to enter into all houſes, either with a Conſtable or without, where they ſhall ſuſpect or be informed of any Bread baked for ſale, and alſo to weigh the ſaid Bread as oft as they ſee cauſe, and ſeize all ſuch as they finde defective. As alſo to weigh all

Clerk of the Market

Their power.

all Butter made up for ſale, and brought unto, or being in the Town or Market to be ſold by weight, which if found light after notice once given, ſhall be forfeited in like manner. The like penalty ſhall be for not marking all Bread made for ſale: And the ſaid Officer ſhall have one third part of all forfeitures for his paine, the reſt to the poor as aforeſaid. [1646.] A. 52. p 8.

2. *Whereas it appears to this Court, that there is much deceit uſed by ſome Bakers and others, who when the Clerk of the Market cometh to weigh their Bread, pretend they have none, but for their own uſe; and yet afterward put their Bread to ſale, which upon tryal hath been found too light; for prevention of ſuch abuſes for time to come*:

It is Ordered, that all perſons within this Juriſdiction, who ſhall uſually ſell Bread within doors or without, ſhall at all times hereafter, have all their Bread that they either put to ſale or ſpend in their families, made of the due Aſſizes, marked and yielded to tryal of the ſaid Clerk as is directed in the Order aforeſaid, under the penalty therein expreſt. [*1652.*] To prevent deceit in Bakers.

BALLAST.

IT is Ordered by this Court and the Authority thereof; That no Ballaſt ſhall be taken from any Town ſhore, by any perſon whatſoever, without allowance under the hands of the Select men, upon the penalty of ſix pence, for every ſhovel full ſo taken, unleſs ſuch ſtones as they had laid there before. It is alſo Ordered, That no Ship nor other Veſſel, ſhall caſt out any Ballaſt in the Channel or other place inconvenient in any Harbour within this Juriſdiction, upon the penalty of ten pounds. [*1646.*] Ballaſt not to be taken without leave. nor caſt into the Channel

BARRATRY.

IT is Ordered and Decreed, and by this Court Declared; That if any man be proved and judged a common Barrater, vexing others with unjuſt, frequent and endleſs ſuits, it ſhall be in the power of the Court, both to reject his Cauſe, and to puniſh him for his Barratry. [*1641.*] Barratry.

BENEVOLENCE.

IT is Ordered, That this Court hereafter will grant no Benevolence, except in forreign occaſions, and when there is Money in the Treaſury ſufficient, and our debts firſt ſatisfied. [*1641.*]

It is Ordered by this Court and the Authority thereof; that all Gifts and Legacies given and bequeathed to the Colledge, Schools of Learning or any other Publick uſe; ſhall be truly and faithfully diſpoſed of according to the true and declared intent of the Donors. And all and every Perſon or Perſons betruſted to receive or improve any ſuch Guifts or Legacies, ſhall be liable from time to time to give account of their diſpoſal and management thereof to the County Court of that Shire where they dwell, and where ſuch Eſtate ſhall lye, who are hereby impowred to require the ſame where need ſhall be, and to appoint Feoffes of truſt, to ſettle and manage the ſame according to the will of the Donors. Gifts and Legacies to be faithfully diſpoſed of

BILLS.

Bills Aſſigned good debt to the Aſſignee.

IT is Ordered by the Authority of this Court; That any debt, or debts due upon bill or other ſpecialty aſſigned to another, ſhall be as good a debt and eſtate to the Aſſignee, as it was to the Aſſigner, at the time of its aſſignation; And that it ſhall be lawfull for the ſaid Aſſignee, to ſue for, and recover the ſaid debt due upon bill, and ſo aſſigned, as fully as the originall Creditor might have done; Provided the ſaid Aſſignement be made upon the back-ſide of the bill or ſpecialty. [*1647.*]

BOND-SLAVERY.

No Bond-ſlavery

IT is Ordered by this Court and the Authority thereof; That there ſhall never be any Bondſlavery, Villenage or Captivity amongſt us, unleſs it be lawful Captives taken in juſt Wars, as willingly ſell themſelves or are ſold to us, and ſuch ſhall have the liberties and Chriſtian uſage which the Law of God eſtabliſhed in *Iſrael* concerning ſuch perſons doth morally require; Provided this exempts none from ſervitude, who ſhall be judged thereto by Authority. [*1641.*]

Bounds of Towns and Perſons.

FOraſmuch as the Bounds of Towns, and of the Lands of particu'ar perſons, are carefully to be maintained, and not without great danger to be removed by any, which notwithſtanding by deficiency and decay of marks, may at unawares be done, whereby great jealouſies of perſons, trouble in Towns, and incumbrances in Courts do often ariſe, which by due care and means might be prevented;

Town Bounds to be laid out once in one year.

It is therefore Ordered by this Court and the Authority thereof, that every Town ſhall ſet out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once ſet out, once in three years, three or more perſons of a Town, appointed by the Select men, ſhall appoint with the adjacent Towns, to go the Bounds betwixt their ſaid Townes and renew their marks; which marks ſhall be a great heap of ſtones, or a Trench of ſix foot long and two foot broad, the moſt ancient Town to give notice of the time and place of meeting for this perambulation; which time ſhall be in the firſt or ſecond month, upon pain of five pounds for every Town that ſhall neglect the ſame; Provided that the three men appointed for perambulation ſhall go in their ſeveral quarters, by order of the Select men, and at the charge of the ſeveral Towns.

To be ſurveyed within 3 year.

Particular perſons bounds to be ſurveyed once a year.

2. And it is further Ordered, that if any particular proprietor of Lands lying in common with others, ſhall refuſe to go the Bounds betwixt his Land and other mens once a Year in the firſt or ſecond month, being requeſted thereunto upon one weeks warning, he ſhall forfeit for every day ſo neglecting, ten ſhillings, half to the party moving thereto, the other half to the Town. [*1651.*]

BREWERS.

TO the end no other but good and wholſome Beer be Brewed at any time in this Juriſdiction, to be ſold for the ſupply of Ship or other Veſſels at Sea; and that no oppreſſion or wrong be done to any in this Myſtery;

It is Ordered by this Court and the Authority thereof: That no perſon whatſoever, ſhall henceforth undertake the calling or work of Brewing Beer for ſale, but only ſuch as are known to have ſufficient skill and knowledge in the Art or Myſtery of a Brewer. And it is further Ordered, that if any undertaker for victualling of Ships or other Veſſels, or Maſter or owner of any ſuch Veſſel, or any other perſon, ſhall make it appear, that any Beer bought of any perſon within this Juriſdiction, doth prove unfit, unwholſome and uſeleſs for their ſupply, either through the inſufficiency of the Mault, or Brewing, or unwholſome Cask, the perſon wronged thereby ſhall be, and is hereby enabled, to recover equal and ſufficient damage, by Action againſt the perſon that put that Beer to Sale.

Brewers to make ſatisfaction for bad Beer

Breach of the Peace.

FOr the better preſerving of Peace, and every mans Liberty and Safety in this Juriſdiction, and to the end that all Fighting and Quarrelling and Diſturbance may be avoided:

Breach of Peace.

It is by this Court Ordered, and by the Authority thereof Enacted, that no perſon ſhall beat, hurt or ſtrike any other perſon, upon penalty of paying to the party ſtricken, by fine to the County where the Offence is committed, or both, ſuch ſum or ſums as the County Court, Magiſtrate, Commiſſioner or Aſſociate, that take cognizance thereof ſhall determine: and becauſe in this caſe ſeveral circumſtances may alter the degree of the offence, as who do ſmite, who is ſmitten, with what Inſtrument, the danger of the wound, more or leſs, time, place and provocation, and other the like, it is left to the diſcretion of the Judges aforeſaid, upon hearing and conſideration, to impoſe ſuch penalty or penalties, as in their diſcretion ſhall ſeem juſt, equal and proportionable to the merit of the offence.

Judgement for Title of Houſe or Land.

IT is Declared and Ordered by this Court and the Authority thereof, That where a Judgement is given in any Court for any perſon of Houſe or Land, upon the trial of the Title thereof; if the perſon againſt whom the Judgement is given, doth either forcibly keep poſſeſſion thereof ſtill after execution ſerved, or enter upon it again, and ſo retain poſſeſſion by force, he ſhall be counted a high offender againſt the Law, and breaker of the publick peace; therefore ſpeedily to redreſs ſuch a criminal offence, every Magiſtrate is impowred, and by his place hath power to give warrant and command to the Marſhall, Officers and other men whom he thinks meet to be imployed in the buſineſs (the Marſhall alſo requiring aid, greater or leſſer, as need requires) and ſuppreſs the force, and give poſſeſſion to the owner, and to imprison ſuch as do appear to be Delinquents, and their aiders and abettors, to be forth coming at the next Court that did give the Judgement in the caſe, there to make their Anſwer: and whom the Court doth finde guilty, to ſet ſuch fine or other puniſhment upon them as the merit of their ſeveral caſes doth require.

Judgement for Title of Houſe or Land.

BRIDGES.

THis Court conſidering that Bridges in Country High-wayes are for the benefit of the Country in general, and that it may be unequal to lay the charge thereof on particular Towns:

Bridges to be made & repaired by the County.

Doth Order, that from time to time, upon information or complaint to each County Court, of the neceſſity or defect of any Bridge or Bridges as aforeſaid; the Court ſhall appoint a Committee to view and determine the ſame, and the charges ſhall be proportioned by the Magiſtrates in each County Court, to be levied upon the Several Towns in each County according to the direction of the Law for Country Rates.

L. a. p. 3.

2. *The Court conſidering the great danger that Perſons, Horſes, Teams, are expoſed to, by reaſon of defective Bridges, and Country High-wayes in this Juriſdiction:*

Doth Order and Declare, That if any perſon at any time, loſe his life, in paſſing any ſuch Bridge or High-way, after due warning given unto any of the Select men of the Town in which ſuch defect is, in writing under the hand of two witneſſes, or upon preſentment to the Shire Court, of ſuch defective Wayes or Bridges, that then the County or Town which ought to ſecure ſuch Wayes or Bridges, ſhall pay a fine of one hundred pounds to the Parents, Husband, Wife or Children, or next of Kin to the party deceaſed. And if any perſon loſe a Limb, break a Bone, or receive any other bruiſe or breach in any part of his Body, through ſuch defect as aforeſaid; the County or Town, through whoſe neglect ſuch hurt is done, ſhall pay to the party ſo hurt, double damages, the like ſatisfaction ſhall be made for any Team, Cart or Cartage, Horſe, other Beaſt or Loading, proportionable to the damage ſuſtained as aforeſaid.

Penalty for damage received by the inſufficiency of Bridges.

A. 58.

3. *And for the prevention of danger, which may come by the inſufficiency of Bridges and Paſſages which lye upon Town High-wayes, the care whereof doth belong either to the Town or particular Perſons to repair, who many times cannot procure Workmen to do the ſame:*

Power to preſs workmen to repair Bridges.

It is therefore Ordered by this Court, That upon the complaint of any ſuch Town or Perſon, to any one Magiſtrate, he ſhall hereby be impowred to iſſue out Warrants to the Conſtable, to impreſs ſuch Workmen in their Town-ſhip, as ſhall be needful to ſecure and repair the ſame, who ſhall be paid for their work, either by the Town or Perſons, to whom ſuch Bridges or Paſſages do belong. [*1648. 51. 59.*]

Burglary and Theft.

Robbing in houſe, high-wayes penalty.

FOraſmuch as many Perſons of late years, have been and are apt to be injurious to the Goods and Lives of others, notwithſtanding all care and means to prevent and puniſh the ſame:

It is therefore Ordered by this Court and the Authority thereof, That if any Perſon ſhall commit Burglary, by breaking up any dwelling houſe, or ſhall

rob any perſon in the field or high-wayes, ſuch perſon ſo offending, ſhall for the firſt offence, be branded on the forehead with the letter (B) and if he ſhall offend in the ſame kinde the ſecond time, he ſhall be branded as before, and alſo be ſeverely whipped; and if he ſhall fall into the like offence the third time, he ſhall be put to death, as being incorrigible.

And if any perſon ſhall commit ſuch Burglary, or rob in the fields or houſes on the Lords day, beſides the former puniſhment of Branding, he ſhall for the firſt offence have one of his ears cut off; and for the ſecond offence in the ſame kinde, he ſhall loſe his other ear in the ſame manner; and for the third offence he ſhall be put to death. [*1642. 47.*]

On the Lords day.

2. *For the prevention of Pilfering and Theft:* It is Ordered by this Court and the Authority thereof; That if any perſon be taken or known to rob any Orchard or Garden; that ſhall hurt or ſteal away any Grafts or fruit Trees, Fruits, Linnen, Woollen or any other goods left out in Orchards, Gardens, Back-ſides, or in any other place in houſe or fields, or ſhall ſteal any wood or other goods from the water ſide, from mens doors or yards; he ſhall forfeit treble damage to the owners thereof.

Rob Orchard or Garden or ſteal goods.

pay treble damage,

And if they be children, or ſervants, that ſhall treſpaſs herein, if their parents or maſters will not pay the penalty before expreſt, they ſhall be openly whipped.

or be whipt;

And foraſmuch as many times it ſo falls out that ſmall thefts and other offences of a criminall nature are committed both by Engliſh and Indians in towns remote from any priſon or other fit place to which ſuch malefactors may be committed untill the next Court.

It is therefore ordered that any magiſtrate, upon Complaint made to him may hear, and upon due proof determine, any ſuch ſmall offences of the aforeſaid nature according to the Laws here eſtabliſhed, and give warrant to the Conſtable of that Town where the offender lives to levy the ſame; Provided the damage or fine exceed not forty ſhillings; Provided alſo it ſhall be lawfull for either party to Appeal to the next Court to be holden in that Juriſdiction, giving ſufficient caution to proſecute the ſame to effect, at the ſaid Court. And every Magiſtrate ſhall make a return yearly to the County Court where he liveth, of what caſes he hath ſo ended. And alſo the Conſtables of all ſuch fines as they have received.

One Magiſtrate may determine ſuch caſes.

Magiſtrate and Conſtables to return to the County Court.

And where the offender hath nothing to ſatisfie, ſuch Magiſtrate may puniſh by ſtocks or whipping, as the cauſe ſhall deſerve, not exceeding ten ſtripes; It is alſo Ordered, that all Servants and Workmen imbezling the goods of their Maſters or ſuch as ſet them on work, ſhall make reſtitution, and be lyable to all Laws and penalties as other men. [*1646.*]

Servants and Workmen.

3. It is further Ordered by this Court; That what perſon ſoever ſhall ſteal from any perſon, any Coyn, Goods or Chattels, to the value of ten ſhillings or upward, ſhall be whipt, or pay ſuch a ſum or ſums of money as the Court or Magiſtrate, that hath proper cognizance thereof ſhall adjudge to be ſufficient to ſatisfie all coſts and charges of the Court and Country in proſecuting and trying the ſaid offender, to the uſe of the common Treaſury; and for ſmaller thefts, it is left to the diſcretion of the Judge or Judges that ſhall have cognizance of the crime, to appoint ſmaller mulcts or puniſhments, or only legal Admonitions as they ſhall finde cauſe.

A. 52. p. 10.

Stealing above ten ſhillings.

Conſtable to make ſearch for goods ſtolen.

And further it is declared and Ordered, That when any Goods are ſtolen from any perſon, the Conſtable of the Town, by warrant from Authority, ſhall ſearch for the ſame, in any ſuſpected places or houſes, and upon

Concealing of theft and receiving ſatisfaction privately penalty.

ſearch or otherwiſe, if he ſhall finde the ſame or any part thereof, or any ground of ſuſpition appearing to the Officer, he ſhall bring the Delinquent or ſuſpected party to a Magiſtrate to be proceeded with according to the Law. And if any perſon having goods ſtolen from him, ſhall privately receive his ſaid ſtolen goods (except the fact be private, or committed by ſome member of his own family) and ſo ſmother the theft, and ſhall not legally proſecute the Offender, he ſhall forfeit to the common Treaſury the Goods or Chattels ſo received or the true value thereof. [*1652.*]

CAPITAL LAWS.

Idolatry. IF any man after Legal Conviction ſhall HAVE or WORSHIP any other God but the LORD GOD, he ſhall be put to death, *Exod. 22. 20. Deut 13. 6, 10. Deut 17. 2, 6.*

Witch-craft 2. If any Man or Woman be a WITCH, that is, Hath or Conſulteth with a familiar Spirit they ſhall be put to death, *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10, 11.*

Blaſphemy. 3. If any Perſon within this Juriſdiction, whether Chriſtian or Pagan, ſhall wittingly and willingly preſume to BLASPHEME the holy name of God, FATHER, SON, or HOLY-GHOST, with direct, expreſſe, preſumptuous, or high-handed Blaſphemy, either by wilfull or obſtinate denying the true God, or his Creation, or Government of the World, or ſhall curſe God in like manner, or reproach the holy Religion of God, as if it were but a politick deviſe; to keep ignorant men in awe; or ſhall utter any other kind of Blaſphemy of the like nature and degree, they ſhall be put to death, *Levit. 24. 15, 16,*

Murther. 4. If any perſon ſhall commit any wilfull MURTHER upon pre meditate malice, hatred or cruelty, not in a mans neceſſary and juſt defence, nor by meer caſualty againſt his will, he ſhall be put to death, *Exod. 21 12, 13. Numb. 35. 31.*

5. If any perſon ſlayeth another ſuddenly, in his ANGER or CRUELTY of paſſion, he ſhall be put to death, *Levit. 24. 17. Numb. 35 20, 21.*

Poyſoning. 6. If any perſon ſhall ſlay another through guile, either by POYSONING or other ſuch Deviliſh practiſe, he ſhall be put to death. *Exod. 21. 14.*

Beſtiality. 7. If any Man or Woman ſhall LYE with any BEAST or Brute Creature, by carnal Copulation, they ſhall ſurely be put to death, and the Beaſt ſhall be ſlain and buried, and not eaten, *Levit. 20. 15, 16.*

8. If

8 If any Man LYETH with MAN-KINDE as he lyeth with a Woman, both of them have committed Abomination, they both ſhall ſurely be put to death, unleſs the one party were forced, or be under fourteen years of age, in which caſe he ſhall be ſeverely puniſhed, *Levit. 20. 13.* *Sodomy*

9. If any Perſon COMMIT ADULTERY with a Married or Eſpouſed Wife, the Adulterer and the Adultereſs ſhall ſurely be put to death, *Levit. 20. 19. & 18. 20. Deut. 22. 23, 27.* *Adultery.*

10. If any man STEALETH A MAN or Man-kinde, he ſhall ſurely be put to death, *Exod. 21. 16.* *Man-ſtealing.*

11. If any Man riſe up by FALSE-WITNESSE wittingly, and of purpoſe to take away a mans Life, he ſhall be put to death, *Deut. 19. 16. & 18. 16.* *Falſe witnes*

12. If any Man CONSPIRE and ATTEMPT any INVASION, INSURRECTION or publick REBELLION againſt our Common-wealth: or ſhall endeavour to ſurprize any Town or Towns, Fort or Forts therein; or ſhall Treacherouſly and perfideouſly attempt the Alteration and Subverſion of our frame of Polity or Government fundamentally, he ſhall be put to death, *Numb. 16. 2 Sam. 3. 2. Sam. 18. 2 Sam. 20.* *Conſpiracy* *Rebellion.*

13. If any Childe or Children above ſixteen years old, and of ſufficient underſtanding, ſhall CURSE or SMITE their natural FATHER or MOTHER, he or they ſhall be put to death, unleſs it can be ſufficiently teſtified, that the Parents have been very unchriſtianly negligent in the education of ſuch Children, or ſo provoked them by extreme and cruel Correction, that they have been forced thereunto to preſerve themſelves from Death or Maiming, *Exod. 21. 17. Levit. 20. 9. Exod. 21. 15.* *Children curſe or ſmite Parents.*

18. If a Man have a STUBBORN or REBELLIOUS SON of ſufficient years of underſtanding (*viz.*) ſixteen years of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they had chaſtened him, will not hearken unto them, then ſhall his Father and Mother, being his natural Parents lay hold on him, and bring him to the Magiſtrates aſſembled in Court, and teſtifie unto them, that their Son is ſtubborn and rebellious, and will not obey their voice and chaſtiſement, but lives in ſundry and notorious Crimes: ſuch a ſon ſhall be put to death, *Deut. 22. 20, 21.* *Rebellious Son.*

15. If any Man ſhall RAVISH any maid, or ſingle Woman, committing Carnal Copulation with her by force, againſt her own will; that is above the age of ten years, he ſhall be puniſhed either with death or with ſome other grievous puniſhment according to circumſtances, as the Judges or General Court ſhall determine, [*1649.*] *Rape.*

17. *Foraſmuch as Carnal Copulation with a Woman Childe, under the age of ten years, is a more hainous ſin then with one of more years, as being more inhumane and unnatural in it ſelf, and more perrilous to the life and well-being of the Childe:* *Rape of a Child.*

It is therefore Ordered by this Court and the Authority thereof, that

whoſoever he be ſhall commit or have Carnal Copulation with any ſuch Childe under ten years old, and be legally convicted thereof, he ſhall be put to death. [*1669.*]

Non-appearance in a Capital Crime.

17. If any perſon ſhall be Indited for any CAPITAL CRIME, (who is not then in durance) and ſhall refuſe to render his perſon to ſome Magiſtrate within one month after three Proclamations publickly made in the Town where he uſually abides, there being a month between Proclamation and Proclamation: his Lands and Goods ſhall be ſeized to the uſe of the Common Treaſury, till he make his lawful appearance. And ſuch withdrawing of himſelf, ſhall ſtand in ſtead of one witneſs to prove his Crime, unleſs he can make it appear to the Court that he was neceſſarily hindred. [*1646.*]

Cask and Cooper. Gager. Packer.

Cask their Aſſize and quality.

IT is Ordered by this Court and the Authority thereof; That all Cask uſed for any Liquor, Fiſh, Beef, Pork, or other Commodities to be put to Sale, ſhall be of London Aſſize, and of ſound and well ſeaſoned Timber; And that fit perſons ſhall be appointed from time to time, in all places needfull, to Gage all ſuch Veſſels or Cask, and ſuch as ſhall be found of due Aſſize, ſhall be marked with the Gagers mark, who ſhall have for his pains *four pence per Tun.* And every Cooper ſhall have a diſtinct Brand mark on his own Cask, upon the penalty of forfeiture of *twenty ſhillings.* And whoſoever ſhall put to Sale any new Cask, being defective, either in Workmanſhip, Timber or Aſſizes as aforeſaid, upon due proof made before any one Magiſtrate, he ſhall forfeit ſuch Cask to the Informer, and be fined to the uſe of the Country *ten ſhillings per Tun,* and ſo proportionably for greater or leſſer Cask. And becauſe there may be no neglect in the choice of a Gager or Packer; It is Ordered, that every Town within this Juriſdiction, wherein any Cask are made, ſhall yearly make choice of a fit man for that imployment, who being preſented by the Conſtable within one Month after the choice made, before any one Magiſtrate, ſhall there take his Oath belonging to his place, which if he ſhall refuſe, he ſhall pay the ſum of *forty ſhillings*, and another ſhall be choſen in his roem. Alſo the Town or Conſtable ſhall either of them ſuffer the like penalty for their neglect of this Order. And every Gager or Packer, ſhall ſee that all Cask he packs, Beef, Pork, Mackerel, Fiſh or other Goods is committed to his Care, be of true and full Aſſize, and that he packs the ſame in no other Cask whatſoever, on penalty of *ten ſhillings* for every Cask by him packed, that is or ſhall be defective in that reſpect, one half to the Informer and the other half to the Country.

Gagers Fee.

Coopers mark.

A. 51. p. 2.

Defective Cask forfeit.

Choice of Gager and Packer

Packer muſt pack no good fish in Cask of full Aſſize

To prevent deceit in packing Beef & Pork, &c

2. *And for the preventing deceit of any perſon in the packing of Fiſh, Beef and Pork to be put to Sale in this and other Juriſdictions:*

It is Ordered, That in every Town where any ſuch Goods are packed up for Sale, the Gager or Packer of that Town, or of the Town wherein it is put to Sale or Shipped, ſhall ſee that it be well and orderly performed, that

that is to ſay, Beef and Pork, the whole, half or quarter, and ſo proportionably, that the beſt be not left out: And ſo Fiſh, that they be packed all of one kinde, and that all Cask ſo packed be full and ſound, and well ſeaſoned, ſetting his Seal on all Cask ſo packed, and he ſhall recover of the owners for ſo packing and ſealing, *four ſhillings* per Tun; but if the Gager do only view them, and finde them good and ſufficient, he ſhall ſet his Seal upon them, and have *one ſhilling* per Tun for ſo doing, and if ſuch goods ſo packed, ſhall be put to ſale without the Gagers mark, he ſhall forfeit the ſaid Goods that ſo puts them to ſale; the one half to the Informer, the other half to the Country. [*1641. 47. 51. 52.*]

Packers fee 4 *s.* per Tun

Cask not marked forfeit.

To Regulate Coopers-Staves.

WHereas *the Law* tit. Pipe-ſtaves, *provides only for Pipe-ſtaves for tight Cask, and that Hogſhead-ſtaves and Barrel ſtaves both of white and red Oak, as well as for Pipe-ſtaves, are frequently tranſported, and traffiqued in payments, both to the Country Treaſury, and otherwiſe*;

It is Ordered by this Court and the Authority thereof, That all Hogs-head ſtaves ſhall be in length three foot two inches, or upwards, not exceeding three foot four inches; and all Barrel ſtaves ſhall be in length thirty one inches, all well and even hewed or dreſſed ſufficiently for uſe, as for Pipe-ſtaves is expreſſed, whether of white or red Oak. And all Headings for Pipe-ſtaves of any ſort to be in length twenty eight inches; and for Hogsheads and Barrels, ſuitable to the Cask to be made thereof; and that it be inſerted in the Oath appointed for *Viewers of Pipe-ſtaves*, Any thing in the aforeſaid Law to the contrary notwithſtanding.

Coopers ſtaves to be well dreſt.

Cattle Corn-fields. Fences.

IT is Ordered by this Court and the Authority thereof; That in all Corn-fields, which are incloſed in Common, every party intereſted therein, ſhall from time to time make good his part of the fence, and ſhall not put in any Cattle, ſo long as any Corn ſhall be upon any part of it, upon paine to anſwer all the damage that ſhall come thereby. [*1647.*]

Owner make good his Fence

No Cattle to be put in till Corn be out

2. *Whereas it is found by experience, that there hath been much trouble and difference in ſeveral Towns, about the Fencing, Planting, ſowing, Feeding and Ordering of Common fields*;

It is therefore Ordered by this Court and the Authority thereof; That where the Occupiers of the Land, or the greateſt part thereof, cannot agree about the fencing or improvement of ſuch their ſaid fields, that then the Select men in the ſeveral Towns ſhall order the ſame, or in caſe where no ſuch are, then the major part of the Freemen (with what convenient ſpeed they may) ſhall determine any ſuch difference as may ariſe upon any information given them by the ſaid Occupiers, excepting ſuch Occupiers Land ſhall be ſufficiently fenced by it ſelf, which any Occupier of Land may lawfully do. [*1643. 47.*]

Occupiers of Land may Order Common Fields

Liberty to Fence in ſeveral

3. *Whereas this Court hath long ſince provided, that all men ſhall Fence their Corn, Meadow, ground and ſuch like, againſt great Cattle, to the end the increaſe of Cattle eſpecially of Cows and their breed ſhould not be hindred, there being then but few Horſes in the Country, which ſince are much increaſed, many whereof run in a ſort wilde, doing much damage in Corn and other things, notwithſtanding fence made up according to the true intent of the Order in that caſe eſtabliſhed, many whereof are unknown, moſt ſo unruly that they can by no means be caught or got into cuſtody, whereby their owners might anſwer damages, and if ſometimes with much difficulty and charge they be, they are in danger of periſhing before the owner appears or can be found out, all which to Prevent;*

Every Town to have a diſtinct mark for Cattle.

It is Ordered by this Court and the Authority thereof; That every Town and Peculiar in this Juriſdiction, ſhall henceforth give ſome diſtinct Brand-mark, appointed by this Court (a Copy of which marks, each Clerk or the Writs in every Town ſhall keep a Record) upon the Horn, or Left Buttock, or Shoulder of all their Cattle which feed in open Common without conſtant Keepers, whereby it may be known to what Town they do belong. And if any Treſpaſs not ſo marked, they ſhall pay double Damages: nor ſhall any perſon knowing, or after due notice given of any Beaſt of his to be unruly in reſpect of Fences, ſuffer ſuch Beaſt to go common, or againſt Corn-fields, or other impropriate incloſed grounds fenced as aforeſaid, without ſuch Shackles or Fetters as may reſtrain and prevent Treſpaſs therein by them from time to time. And if any Horſe or other Beaſt Treſpaſs in any Corn or other incloſure, being Fenced in ſuch ſort as ſecures againſt Cows, Oxen and ſuch like orderly Cattle; the Party or Parties Treſpaſſed ſhall procure two ſufficient Inhabitants of that Town, of good repute and credit, to view and adjudge the harms, which the Owner of the Beaſt ſhall ſatisfie when known upon reaſonable demand, whether the Beaſt were impounded or not: But if the Owner be known, and near reſiding, as in the ſame Town or the like, he ſhall forthwith have notice of the Treſpaſs and Damage charged upon him, that if he approve not thereof, he may nominate one ſuch man, who with one other choſen by the party damnified, as aforeſaid, ſhall review and adjudge the harms; Provided they agree of damage within one day after due notice given, and that no after harms intervene to hinder it, which being forthwith diſcharged, together with the charge of the notice, former view and determination of damage, the firſt Judgement to be void, or elſe to ſtand good in Law; Provided notwithſtanding, the party Treſpaſſed ſhall not be barred of his Action, albeit the harms be not viewed and judged according to the direction aforeſaid.

Cattle not marked treſpaſſing pay double damage.

Unruly Cattle to go in Fetters.

Harms to be viewed by ſufficient men.

Notice to be given to the owner of the Beaſt.

L.2.P.8.

And if any Cattle be found damage feizant, the party damnified may impound or keep them in his own private Cloſe or Yard, till he may give notice to the owner, and if they cannot agree, the Owner may Replevie them, or the other party may return them to the owner, and take his remedy according to Law; yet in caſe of involuntary Treſpaſſes, where ſuch Tre paſſer ſhall pay, or Legally tender full recompence for all the damage done by him before any ſuit commenced, the Plaintiffe ſhall recover no coſt of his ſuit.

L.2.P.8.

In voluntary Treſpaſs pay no coſt.

L.1.P.51.

And in all Tre paſſes or damages done to any man, if it can be proved to be done by the meer default of him to whom the damage is done, it ſhall be judged no Treſpaſs, nor any damage given for it. [*1646*]

Goats pay double damage

4. For all harms done by Goats, there ſhall be double damage allowed, and when any Goats are taken in Corn or Gardens, the owner of ſuch

ſuch Corn or Garden, may keep and uſe the ſaid Goats till full ſatisfaction be made by the owners. [*1646.*]

5. *Foraſmuch as Complaints have been made of a very evil Practiſe of ſome diſordered Perſons in the Country, who uſe to take other mens Horſes, ſometimes upon the Commons, and ſometimes out of their own Grounds and Incloſures, & ride them at their pleaſure without any leave or privity of the Owners*;

It is therefore Ordered and Enacted by the Authority of this Court; That whoſoever ſhall take any other mans Horſe, Mare, Aſſe, or drawing beaſt, either out of his incloſure, or upon any Common or elſewhere, (except ſuch be taken damage feizant and diſpoſed of according to Law) without leave of the Owner, and ſhall ride or uſe the ſame, he ſhall pay to the party wronged treble damages, or if the Complainant ſhall deſire it, then to pay only *ten ſhillings*, and ſuch as have not to make ſatisfaction, ſhall be puniſhed by whipping, impriſonment or otherwiſe, as by Law ſhall be adjudged, and any one Magiſtrate or County Court may hear and determine the ſame. [*1647.*]

Riding or working other mens Horſe or Cattle without leave

Penalty treble damage or whip

6. *For the better preſerving of Corn from damage, by all kinde of Cattle, and that all Fences of Corn-fields, may from time to time be ſufficiently upheld and maintained*; *A. 53. P. 20*

It is Ordered by this Court, That the Select men of all Towns, ſhall make wholſome Orders, for the repairing of all Fences both general and particular, within their ſeveral Townſhips, excepting Fences belonging to Farms of one hundred Acres or above, and have power to impoſe fines upon all Delinquents, not exceeding *twenty ſhillings* for one offence; and if any Select men ſhall neglect to make Orders as aforeſaid, they ſhall forfeit *five Pounds* to the uſe of the Town, and ſo for every Months default from time to time; and the ſaid Select men of every Town ſhall appoint, from year to year, two or more (if need require) of the Inhabitants thereof, to view the Common fences, of all their Corn-fields, to the end, to take due notice of the real defects and inſufficiency thereof, who ſhall forthwith acquaint the owners thereof with the ſame; and if the ſaid Owners do not within ſix dayes time or otherwiſe as the Select men ſhall appoint, ſufficiently repair their ſaid defective fences: then the ſaid two or more Inhabitants appointed as aforeſaid, ſhall forthwith repair or reniew them, and ſhall have double recompence for all their labour, care, coſt and trouble, to be paid by the Owners of the ſaid inſufficient Fence or Fences, and ſhall have warrant from the ſaid Select men, directed to the Conſtable to levy the ſame, either upon the Corn or other eſtate of the Delinquent: Provided the defect of the Fence or Fences be ſufficiently proved by two or three witneſſes. [*1647.*]

Select men to order the repair of Fences

To appoint viewers of common Fences

To give notice of defect to the Owners

Owners to repair within ſix dayes.

Elſe the viewers to mend them & have double recompence.

7. Where Lands lye in Common unfenced, if one man ſhall improve his Land, by fencing in ſeveral, and another ſhall not, he who ſhall ſo improve, ſhall ſecure his Land againſt other mens Cattle, and ſhall not compel ſuch as joyn upon him to make any Fence with him, except he ſhall alſo improve in ſeveral as the other doth. And where one man ſhall improve before his neighbour, and ſo make the whole Fence, if after his ſaid neighbour ſhall improve alſo, he ſhall then ſatisfie for half the others Fence againſt him, according to the preſent value, and ſhall maintain the ſame; and if the firſt man ſhall after lay open his ſaid field, then the ſaid neighbour ſhall enjoy his ſaid half Fence ſo purchaſed to his own uſe, and ſhall alſo have liberty to buy the other half Fence, paying according to preſent

Partition Fence between neighbours born by both.

valuation, to be ſet by two men choſen, by either party one: the like Order ſhall be where any man ſhall improve Land againſt any Town-Common. Provided this Order ſhall not extend to Houſe Lots not exceeding ten Acres, but if ſuch one ſhall improve, his neighbour ſhall be compellable to make and maintain one half of the Fence between them, whether he improve or not. Provided alſo, no man ſhall be liable to ſatisfie for damage done in any ground not ſufficiently fenced, except it ſhall be for damage done by Swine, or Calves under a year old, or unruly Cattle which will not be reſtrained by ordinary Fences, or where any man ſhall put his Cattle, or otherwiſe voluntarily Treſpaſs upon his neighbours ground: and if the party damnified finde the Cattle damage feizant, he may impound or otherwiſe diſpoſe of them. [*1642*]

Houſe Lots Fences.

Inſufficient fence no damage except by Swine and Calves.

FENCE.

WHereas *the Laws publiſhed concerning Fences and Cattle, being in the ſecond Edition, tranſported from their firſt order and method, much difficulty doth many times ariſe concerning the true meaning thereof, whereby great damages do accrew to many of the Inhabitants, and conſequently, to the Country: For prevention whereof*;

This Court doth Order and Enact, That where any Cattle ſhall Treſpaſs on any propriety, not appearing to be ſufficiently Fenced, againſt Swine ſufficiently yoaked and ringed, or Cowes and ſuch Cattle as will be reſtrained by a ſufficient Fence, in the judgement of the viewers of the Fences, as *Pag. 11. Sect. 6.* in all ſuch caſes the Owners of the Fence, or of the Land, ſhall bear all ſuch damages, as to them thereby ſuſtained, any thing in the ſaid Order, or any other Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1662*]

Fence to ſecure Corn Fields.

Cauſes Small Cauſes.

FOR *eaſing the Charge and Incumbrance of Courts by ſmall Cauſes*;

It is Ordered by this Court and Authority thereof, That any Magiſtrate in the Town where he dwells, may hear and determine by his diſcretion (not by Jury) according to the Laws here eſtabliſhed, all cauſes ariſing in that County, wherein the Debt, Treſpaſs or Damage, doth not exceed *Forty ſhillings*, who may ſend for parties and witneſſes by Summons or Attachment directed to the Marſhall or Conſtable, who ſhall faithfully execute the ſame.

One Magiſtrate may end cauſes under 40. s.

And it is further Ordered, that in ſuch Towns where no Magiſtrate dwells, the Court of Aſſiſtants or County Court, may from time to time upon requeſt of the ſaid Towns, ſignified under the hand of the Conſtable, appoint three of the Freemen as Commiſſioners in ſuch caſes, any two whereof, ſhall have like power to hear and determine all ſuch cauſes wherein either party is an Inhabitant of that Town, who have hereby power to ſend for Parties and Witneſſes, by Summons or Attachment directed to the Conſtable, as alſo to Adminiſter Oaths to Witneſſes, and to give

Three Commiſſioners in Towns to end ſmall cauſes.

give time to the Defendant to Anſwer if they ſee cauſe; and if the Party Summoned refuſe to give in his Bond or Appearance; or ſentenced, refuſe to give ſatisfaction, where no goods appear in the ſame Town where the Party dwells, they may charge the Conſtable with the party, to carry him before a Magiſtrate or Shire Court (if then ſitting) to be further proceeded with according to Law, but the ſaid Commiſſioners may not commit to Priſon in any caſe. And where the Parties live in ſeveral Towns, the Defendant ſhall be liable to be ſued in either Town at the liberty of the Plaintiffe. L.1. p.46.

2. *And foraſmuch as the Magiſtrates are under an Oath of God, for diſpenſing equal juſtice according to Law*;

It is Ordered by the Authority aforeſaid, that all Aſſociates for County Courts, when and where there ſhall be any, and all ſuch Commiſſioners Authorized as aforeſaid, ſhall be ſworn before each County Court or ſome Magiſtrate in that County, unto the faithful diſcharge of the truſt and power committed to them. Aſſociates and Commiſſioners to be ſworn

And it is further Ordered, That in all ſmall Cauſes as aforeſaid, where only one Magiſtrate dwells in the Town, and the Cauſe concerns himſelf, as alſo in ſuch Towns where no Magiſtrate is, and the Cauſe concerns any of the three Commiſſioners, that in ſuch caſes the Select men of the Town, ſhall have power to hear and determine the ſame, and alſo to graunt execution for the levying and gathering up ſuch damages for the uſe of the perſon damnified, as one Magiſtrate or three Commiſſioners may do. And no Debt or Action proper to the Cognizance of one Magiſtrate or the three Commiſſioners as aforeſaid, ſhall be received into any County Court, but by Appeal from ſuch Magiſtrate or Commiſſioners, except in caſes of Defamation and Battery. [*1647. 49.*] Select men to try Cauſes

L.1.p.4.

County Court to reject all Actions under 40.s

3. *Whereas by reaſon of the concourſe of People, and increaſe of trade in the Town of Boſton, Suits at Law are grown more frequent, whereby the County Courts are much prolonged, and foraſmuch as many crimes are alſo committed in the ſaid Town, by ſtrangers and others, which often eſcape unpuniſhed; For the prevention whereof,* A.51. p.6

It is Ordered by this Court and the Authority thereof, that there be ſeven Freemen reſident in Boſton, annually choſen by the Freemen of the ſaid Town, and preſented to the Court of Aſſiſtants, who hereby have power to Authorize the ſaid ſeven Freemen to be Commiſſioners of the ſaid Town, to act in things committed to their truſt, as is hereafter expreſſed; who ſhall from time to time be ſworn before the ſaid Court, or the Governour, Deputy Governour or any two Magiſtrates. And this Court doth hereby give and graunt Commiſſion and Authority unto the ſaid ſeven men, or any five of them, or any three of them with one Magiſtrate, to hear and determine all Civil Actions which ſhall be brought before them, not exceeding the ſum of *Ten Pounds*, ariſing within the neck of Land on which the Town is Scituate, as alſo on *Noddles Iſland*, or betwixt any perſons where both parties ſhall be Inhabitants or Reſidents within the ſaid Neck or *Noddles Iſland* aforeſaid, or where either party ſhall be an Inhabitant or Reſident aforeſaid; Provided they keep a Book of Records for the entry of all Cauſes, Evidences, Teſtimonies, Sentences and judgements as the Law provides in like Caſes; which ſaid Commiſſioners are Authorized annually, to appoint a Clerk of their Court and to demand and receive of every Plaintiffe in all Caſes or Actions not exceeding *Forty ſhillings*, the ſum of *three ſhillings four pence*; and for all Commiſſioners of Boſton. Choſen. Sworn. Power in civil Caſes to ten pounds.

other Actions, the ſum of *ten ſhillings*; and for all other things the accuſtomed fees; and the ſaid Commiſſioners ſhall from time to time publiſh their Court dayes, as the three Commiſſioners in Towns are bound to.

And for the diſcovery, prevention and puniſhment of Miſdemeanours in the Town of Boſton;

In Criminal Caſes. Power and Authority is hereby given and granted to the ſaid Commiſſioners, and every of them, by Warrant under their or his hand, to convent before them, or any of them, all ſuch perſons as ſhall be complained of for ſuch offences, or otherwiſe brought to their cognizance, and to hear and determine the ſame, according to the Laws here eſtabliſhed as any Magiſtrate may do, Provided the fines impoſed by them, do not exceed *forty ſhillings* for one offence.

And that the ſaid Commiſſioners may the better and more diligently endeavour the ſuppreſſing of ſin and miſdemeanours, and the breach of the peace in the ſaid Town; Their Commiſſion ſhall be from time to time, under the hand of the Secretary of the General Court. And alſo all Marſhalls, Conſtables and other Inhabitants reſpectively, are required to be aiding and aſſiſting our Commiſſioners aforeſaid in this behalf.

Officers required to aſſiſt the Commiſſioners

And that no perſon may be diſcouraged or damnified by this Commiſſion; It ſhall be lawful for any perſon to Appeal from the Sentence of all or any of them to the Court of Aſſiſtants. [*1651.*]

A. 4. P. 2. 4. *And becauſe the Commiſſioners in the ſeveral Towns have Power of Judicature, the exerciſe whereof is of great concernment, both to Towns and Country*;

None to be Commiſſioner but ſuch as are approved. It is therefore Ordered, that henceforth there ſhall be none admitted to be a Commiſſioner for any Town in this Juriſdiction, but ſuch whoſe converſation is inoffenſive, and whoſe fidelity to the Country is ſufficiently known and approved of by the County Court of that Shire. [*1654.*]

Charges Publick.

None to be improved in publick ſervice at their own charge IT is Ordered by this Court and the Authority thereof, That no Governour, Deputy Governour, Aſſiſtant, Aſſociate, Grand or Petty Jury man at any Court, nor any Deputy for the General Court, nor any Commiſſioners for Military Diſcipline at the time of their publick meetings, ſhall at any time bear his own charges, but their neceſſary expences ſhall be defrayed, either by the Town, or the Shire on whoſe ſervice they are, or by the Country in general. [*1631. 41.*]

2. *The Court conſidering the neceſſity of an equal Contribution to all common charges in Towns*;

Every Inhabitant to pay to all charges in Church and Common-wealth Doth Order, That every Inhabitant ſhall Contribute to all Charges both in Church and Common-wealth, whereof he doth or may receive benefit: And every ſuch Inhabitant who ſhall not Contribute proportionably to his ability to all common Charges, both Civil and Eccleſiaſtical, ſhall be compelled thereunto, by Aſſeſsment and Diſtreſs, to be levied by the Conſtable or other Officer of the Town; and the Lands and Eſtates of all men (wherein

wherein they dwell) ſhall be Rated for all Town charges, both Civil and Eccleſiaſtical (as aforeſaid) where the Lands and Eſtates ſhall lye, and their perſons where they dwell.

Lands & Eſtates to pay where they lye.

3. *For a more equal and ready way of raiſing means for defraying the publick charges, and for preventing ſuch inconveniences as have fallen out upon former Aſſeſsments*;

It is Ordered and Enacted by the Authority of this Court; That the Treaſurer for the time being, ſhall from year to year in the fifth Month, without expecting any other Order, ſend his warrants to the Conſtable and Select Men of every Town within this Juriſdiction, requiring the Conſtable to call together the Inhabitants of the Town, who being ſo aſſembled, ſhall chuſe ſome one of their Freemen to be a Commiſſioner for the Town, who together with the Select men, for their prudential affairs, ſhall ſome time in the ſixth Month then next enſueing, make a Liſt of all the Male perſons in the ſame Town from ſixteen years old and upwards, and a true eſtimation of all perſonal and real eſtates, being or reputed to be the eſtate of all and every the perſons in the ſame Town, or otherwiſe under their cuſtody or managing according to juſt valuation, and to what perſons the ſame do belong, whether in their own Town or elſewhere, ſo near as they can by all lawful means which they may uſe, *viz.* of Houſes, Lands of all ſorts, as well broken up as other (except ſuch as doth or ſhall lye common for free feed of Cattle, to the uſe of the Inhabitants in general, whether belonging to Towns or particular Perſons, but not to be kept or hearded upon to the damage of the Proprietors,) Mills, Ships and all ſmall Veſſels Merchantable, Goods, Cranes, Wharfs, and all ſorts of Cattle, and all other known Eſtate whatſoever, either at Sea or on Shore; all which Perſons and Eſtates are by the ſaid Commiſſioners and Select men to be aſſeſſed and rated as here followeth, *viz.* every Perſon aforeſaid (except Magiſtrates and Elders of Churches) *one ſhilling and eight pence* by the head, and all Eſtates, both real and perſonal, at *one penny* for every *twenty ſhillings*, according to the Rates of Cattle hereafter mentioned. The Eſtates of all Merchants, Shop-keepers and Factors, ſhall be Aſſeſſed by the Rule of common eſtimation, according to the Will and Doom of the Aſſeſſors, having regard to their Stock and Eſtate, be it preſented to view or not, in whoſe hands ſoever it be; and if any ſuch Merchants finde themſelves over valued, if they can make it appear to the Aſſeſſors, they are to be eaſed by them, if not, by the next County Court; And Houſes and Land, of all ſorts (except as aforeſaid) ſhall be rated at an equal and indifferent value, according to their worth in the Towns and Places where they lye. Alſo every Bull and Cow of *four years old and upward* at *three pounds*, Heifers and Steers between *three and four years old* at *fifty ſhillings*, and between *two and three years old* at *forty ſhillings*,, and between *one and two* at *twenty ſhillings*, and every Oxe of *four years old* and upward at *five pounds*, every Horſe and Mare of *three years old* and upward *five pounds*, between *two and three* at *three pounds*, of *one year old* and upwards at *thirty ſhillings*; every Ewe ſheep above *one year old* at *ten ſhillings*, every Goat above a *year old* at *eight ſhillings*, every Weather ſheep above *one year old* at *ten ſhillings*; every Swine above *one year old* at *twenty ſhillings*; Every Aſſe above *one year old* at *forty ſhillings*: And all Cattle of all ſorts under a *year old*, are hereby exempted; as alſo all Hay and Corn in the Husbandmans hand, becauſe all Meadow, arable Ground and Cattle are Rateable as aforeſaid.

Country Rate

Treaſurers warrant to the Conſtable.

Perſons & eſtates to be valued in the ſixth month.

Perſons at 1 s. 8 d. per head

Eſtates at one penny per pound

A. 51. p. 1.

Merchants rated by will & doom

A. 57. p. 23.

Rate of houſe & lands.

Rate of Cattle.

And for all ſuch perſons as by the advantage of their Arte and Trades, are

Artificers and Hand Trades Rated.

are more enabled to help bear the publick charge then common labourers and Workmen, as *Butchers*, *Bakers*, *Brewers*, *Victuallers*, *Smiths*, *Carpenters*, *Taylors*, *Shoomakers*, *Joyners*, *Barbers*, *Millers and Masons*, with all other manual persons and Artists, such are to be rated for returns and gaines, proportionable unto other men for the produce of their Estates,

Impotent persons exempted.

Provided that in the Rate by the Poll, such persons as are disabled by sickness, lameness or other infirmity shall be exempted. And for such Servants and Children as take not wages, their Parents and Masters shall pay for them, but such as take wages shall pay for themselves.

Commissioners meet at the Shire Town.

And it is further Ordered, That the Commissioners for the several Towns, in every Shire, shall yearly upon the first fourth day of the week in the seaventh Month, assemble at their Shire Town, and bring with them fairly written the just number of Males listed as aforesaid, and the Assessments of Estates made in their several Towns, according to the Rules and Directions in this present Order expressed, and the said Commissioners being so assembled, shall duely and carefully examine all the said Lists and Assessments of the several Towns in that Shire, and shall correct and perfect the same, according to the true intent of this Order, as they or the major part of them shall determine, and the same so perfected, they shall speedily transmit to the Treasurer under their hands, or the hands of the major part of them; and thereupon the Treasurer shall give warrants to the Constables to collect and levy the same; so as the whole Assessment, both for Persons and Estates, may be paid in unto the Treasurer before the *twentieth day* of the *ninth Month* yearly: And every one shall pay their Rate to the Constable in the same Town where it shall be Assessed, (nor shall any Land or Estate be Rated in any other Town but where the same shall lye, or was improved to the Owners, reputed Owners, or other Proprietors use or behoof, if it be within this Jurisdiction) And if the Treasurer cannot dispose of it there, the Constable shall send it to such place in *Boston*, or elsewhere, as the Treasurer shall appoint, at the charge of the Country, to be allowed the Constable upon his accompt with the Treasurer, and for all peculiars, *viz.* such places as are not yet laid within the bounds of any Town, the same Lands with the Persons and Estates thereupon, shall be Assessed by the Rates of the Town next unto it, the measure or estimation shall be by the distance of the meeting houses.

To perfect the Assessments.

Constables to Collect in the ninth month.

Peculiars to be Assessed at the next Town.

And if any of the said Commissioners, or of the Select men, shall wittingly fail or neglect to perform the trust committed to them by this Order, in not making, correcting, perfecting or transmitting any of the said Lists or Assessments according to the intent of this Order;

Commissioners or Select mens failings

Every such Offender shall be fined *forty shillings* for every such offence, or so much as the Country shall be damnified thereby, so it exceed not *forty shillings* for one offence, provided such offence be complained of and prosecuted within six months.

Forfeit 40.s.

And it is further Ordered, that upon all Distresses to be taken for any of the Rates and Assessments aforesaid, the Officer shall distrein Goods or Cattle if they may be had, and if no Goods, then Lands or Houses, if neither Goods nor Lands can be had within the Town where such Distress is to be taken, then to Attach the body of such persons to be carried to Prison, there to be kept till the next Court of that Shire, except they put in security for their appearance there, or that payment be made in the mean time.

And it is Ordered, that the prizes of all sorts of Corn, to be received upon any Rate by virtue of this Order shall be such as this Court shall

for

ſet from year to year, and in want thereof at price currant, to be judged by the Commiſſioners of *Eſſex*, *Middleſex* and *Suffolk*.

And it is further Ordered, that no Eſtate of Land in *England*, ſhall be Rated in any publick Aſſeſsment; And it is hereby Declared, that by publick Aſſeſsment and Rates, is intended only ſuch as are Aſſeſſed by Order of the General Court for the Countries occaſion and no other. [*1646. 47, 51, 57.*]

Land in England Rate free

4. It is Ordered, that every Conſtable within this Jurisdiction, ſhall on the penalty of *five pounds*, clear up all their Accounts with the Treaſurer, for the Rates of their ſeveral Towns, by the firſt of *May* yearly, and they and every of them are impowred to preſs *boats* or *carts*, for the better and more ſpeedy ſending in their Rates, according to the time appointed.

A. 56. P. 11

Conſtables in clear their Accounts with the Treaſurer by the firſt of May.

And if any Conſtable ſhall not have Collected the Rates and Aſſeſsments, committed to his charge by the Treaſurer, during the time of his Office, that he ſhall, notwithſtanding the expiration of his Office have power to Levy by diſtreſs, all ſuch Rates and Levies; and if he bring them not in to the Treaſurer acording to his warrant, the Treaſurer ſhall diſtreyn ſuch Conſtables goods for the ſame.

L. 1. P. 46.

Conſtable after the expiration of his Office hath power to Collect Rates.

And if the Treaſurer ſhall not ſo diſtreyn the Conſtable, he ſhall be anſwerable to the Country for the ſame: And if the Conſtable be not able to make payment, it ſhall be lawfull for the Treaſurer to diſtreyn for all arrearages of rates and leavyes, any man or men of that Town where the Conſtables are unable, and that man or men upon petition to the General Court, ſhall have Order to Collect the ſame again equally of the Town, with his juſt damages for the ſame. [*1640. 56.*]

Treaſurer may diſtrein the Conſtable or any other Inhabitant.

RATING STRANGERS.

THis Court underſtanding that ſeveral Gentlemen Merchants *ſtrangers, in the beginning of every yeer, frequently comming into theſe parts, and bringing great ſtore of Engliſh and other goods of all ſorts to great value; and uſually making up their markets to their great advantage before the* Sixth Month, *when the Rates, or Order for the Collecting of them by Law is to iſſue out, (not without a conſiderable diſadvantage to the Merchants and Shop-keepers, Reſidents and Inhabitants of this Colony, who have born the heat of the day, and are fain to be at all the charge for ſupporting of the Government) and the ſaid Merchants ſtrangers takeing the chief of the benefit of the Trade, and make their eſcapes without any payment to ſupport the Government of this place, under, and by which they reap ſo great advantage to themſelves*: It is therefore Ordered, that it ſhall be henceforth lawfull for the Select men of each Town, where ſuch Strangers are, or ſhall be, to aſſeſs all ſuch Strangers, according to the *Cargo's* they ſhall bring into this Country: Or in caſe of their refuſall, to give a true Account of their Eſtate to the Select-men; then the ſaid Select-men ſhall, and hereby are impowred to make their Aſſeſsment on all ſuch Strangers in any Moneth of the Year, yearly, in proportion to a ſingle Rate by will and doom, as the Inhabitants of this Country are uſed to be rated; and for non-payment, by the Conſtables to Levy their ſaid Aſſeſſments, as in other caſes, by Warrant from the ſaid Select-men. [*1665.*]

Order for Aſſeſsments on Strangers.

FOR the preventing of differences ariſing between the Treaſurer of the Country and the Conſtables of the Townes, in Collecting and receiving the Country

For prevention of difference between Treaſurer and Conſtables

Rate, and of great damage thereby happening to the Country;

It is Ordered by this Court, that where any pay is tendered, the price whereof is not determined by this Court, the place of Appriſement ſhall be where the payment is tendered to the Treaſurer. or his Order by men indifferently, choſen, as the Law directs. [*1667.*]

Miniſters of Gods word Rate free.

IT is Ordered by this Court and the Authority thereof, that henceforth the *Miniſters of Gods Word*, regularly Ordained over any Church of Chriſt, Orderly gathered and Conſtituted; ſhall be freed from all Rates for the Country, County and Church, and for the Town alſo, except where by ſpecial Contract with the Town they have conſented thereunto: Provided this freedome ſhall extend onely to ſuch eſtate as is their own proper eſtates, and under their own Cuſtody and improvement. [*1671.*]

Children and Youth.

FOrasmuch as the good Education of Children is of Singular behoofe and benefit to any Common-wealth, and whereas many Parents and Maſters are too indulgent and negligent of their duty in that kind;

Select mens care that all children may be taught to Reade.

It is Ordered, that the Select men of every Town, in the ſeveral Precincts and quarters where they dwell, ſhall have a vigilant eye over their brethren and neighbours, to ſee, Firſt that none of them ſhall ſuffer ſo much Barbariſm in any of their families, as not to endeavour to teach, by themſelves or others, their Children and Apprentices, ſo much learning, as may enable them perfectly to read the Engliſh tongue, and knowledge of the Capital Lawes: upon penalty of *twenty ſhillings* for each neglect therin.

And Catechized

Alſo that all Maſters of families, do once a week (at the leaſt) Catechiſe their children and ſervants in the Grounds and Principles of Religion, and if any be unable to do ſo much; that then at the leaſt they procure ſuch children and apprentices, to learn ſome ſhort Orthodox Catechiſme without book, that they may be able to anſwer unto the queſtions that ſhall be propounded to them out of ſuch Catechiſm, by their Parents or maſters, or any of the Select men when they ſhall call them to a tryal, of what they have learned in that kind.

Children to be brought up in ſome calling.

And farther that all Parents and Maſters do breed and bring up their children and apprentices in ſome honeſt lawfull Calling, Labour or imployment, either in husbandry or ſome other trade, profitable for themſelvs and the Common-wealth, if they will not or cannot train them up in learning, to fit them for higher imployments.

Unruly children placed out by Select men.

And if any of the Select men; after admonition by them given to ſuch maſters of families, ſhall find them ſtill negligent of their duty in the particulars afore mentioned, whereby Children and ſervants become rude, ſtubborn, and unruly: the ſaid Select men with the help of two Magiſtrates, or the next County Court for that Shire, ſhall take ſuch children or apprentices from them, and place them with ſome Maſters for yeares, (boyes till they come to *twenty one*, and girles *eighteen yeares* of age compleat) which will more ſtrictly look unto, and force them to ſubmit unto Government, according to the rules of this Order, if by fair meanes and former inſtructions they will not be drawn unto it. [*1642.*]

2 For

2. *Forasmuch as it appeareth by too much experience, that diverſe Children and Servants, do behave themſelves diſobediently and diſorderly towards their Parents, Maſters and Governours; to the diſturbance of families, and diſcouragement of ſuch Parents and Governours;* A. 54. P. 6.

Diſobedient Children & Servants punished by one Magiſtrat

It is Ordered by this Court and Authority thereof, That it ſhall be in the Power of any one Magiſtrate, by warrant directed to the Conſtable of that Town where ſuch offender dwells, upon complaint, to call before him any ſuch offender, and upon conviction of ſuch miſdemeanors, to ſentence him to endure ſuch Corporal puniſhment, by whipping or otherwiſe, as in his judgment the Merit of the fact ſhall deſerve, not exceeding *ten ſtripes* for one offence, or bind the offender to make his appearance at the next County Court;

Or by the Commiſſioners.

And further it is alſo Ordered, that the Commiſſioners of *Boſton*, and the three Commiſſioners of each Town where no Magiſtrate dwells, ſhall have the like Power; Provided that the perſon or perſons ſo ſentenced, ſhall have liberty to make their Appeale to the next County Court, in any ſuch caſes.

3. *Upon Information of diverſe looſe, vain and corrupt perſons, both ſuch as come from Forrain parts, as alſo ſome others here inhabiting or reſiding, which inſinuate themſelves into the fellowſhip of the young people of this Country, drawing them both by night and by day, from their callings, ſtudyes and honeſt occupations, and lodging places, to the diſhonour of God, and grief of their Parents, Maſters, Tutors, Guardians and Overſeers &c* A. 51. P. 9.

It is Ordered by this Court and the Authority thereof, That whoſoever ſhall any wayes cauſe or ſuffer any Young people or perſons whatſoever, whether Children, ſervants, apprentices, Schollars belonging to the Colledg, or any Latine ſchool, to ſpend any of their time or eſtate, by night or by day, in his or their Company, Ship or other veſſell, Shop or houſe, whether Ordinary, Tavern, victualing houſe, Cellar or other place where they have to do, and ſhall not from time to time, diſcharge and haſten all ſuch Youths to their ſeveral imployments and places of abode, or lodging aforeſaid, if their being in any ſuch place be known to them, or any other ſervant or help in the family, or ſupplying the place of a ſervant at Sea or on land: that then ſuch perſon, houſholder, ſhop-keeper, ſnip-maſter, ordinary-keeper, taverner, victualer, or other; ſhall forfeit the ſumm of *forty ſhillings* upon legal conviction before any Magiſtrate, or the Commiſſioners Authorized to end ſmall cauſes, one halfe to the informer, the other halfe to the Country; and all Conſtables in their ſeveral Limits are Required to Act herein as is provided in reference to the Law concerning Inkeepers.

Perſons under government not to be entertained in common houſes.

On penalty of forty ſhillings.

4. *Whereas ſundry Gentlemen of quality, ana others, oft times ſend over their Children into this Country to ſome friends here, hopeing (at leaſt) thereby to prevent their Extravagant and riotous courſes; who notwithſtanding (by meanes of ſome unadviſed or ill affected perſons, which give them credit, in expectation their friends either in favour to them, or prevention of blemiſh to themſelves, will diſcharge their debts) they are no leſs laviſh and profuſe here, to the great grief of their friends, diſhonour of God, reproach of the Country;*

It is therefore Ordered by this Court, That if any perſon after publication hereof, ſhall any way give credit to any ſuch Youth, or other perſon under one and twenty yeares of age, without order from their friends here or elſe where under their hands in writing, they ſhall looſe their debt

Debts made by perſons under age not recoverable.

what ever it be, And further, if ſuch Youth or perſon incur any penalty by ſuch meanes, and have not wherewith to pay, ſuch perſon or perſons as are occaſions thereof, ſhall pay it, as the delinquents in the like caſe ſhould do. [*1647.*]

Parents denying marriage &c;

5. If any perſon ſhall willfully and unreaſonably deny any Child, timely or convenient marriage, or ſhall excerciſe any unnatural ſeverity toward them; ſuch children ſhall have liberty to complaine to Authority for redreſs in ſuch caſes. [*1641.*]

Orphans not be diſpoſed on without a Court

6. No Orphan, dureing their minority, which was not committed to tuition or ſervice by their Parents in their life time, ſhall afterwards be abſolutely diſpoſed of by any, withont the conſent of ſome Court, wherin two Aſſiſtants (at leaſt) ſhall be preſent, except in caſe of marriage, in which the approbation of the major part of the Select men of that Town, or any one of the next Aſſiſtants ſhall be ſufficient, and the minority of women in caſe of marriage, ſhall be *ſixteen yeares.* [*1646.*]

Chirurgions, Midwives, Phyſitians.

L. 2. P. 3.

FOR*asmuch as the Law of God allowes no man to impaire the Life, or Limbs of any Perſon, but in a judicial way*;

It is therefore Ordered, That no perſon or perſons whatſoever, imployed at any time about the bodyes of men, women or children, for preſervation of life or health; as Chirurgions, Midwives, Phyſitians or others, preſume to excerciſe, or put forth any act contrary to the known approved Rules of Art, in each Myſtery and occupation, nor excerciſe any force, violence or cruelty upon, or towards the body of any, whether young or old, (no not in the moſt difficult and deſperate caſes) without the advice and conſent of ſuch as are skillfull in the ſame Art, (if ſuch may be had) or at leaſt of ſome of the wiſeſt and graveſt then preſent, and conſent of the patient or patients if they be *mentis compotes*, much leſs contrary to ſuch advice and conſent; upon ſuch ſevere puniſhment as the nature of the fact may deſerve, which Law Inevertheleſs, is not intended to diſcourage any from all lawfull uſe of their skill, but rather to incourage and direct them in the right uſe thereof, and inhibit and reſtreine the preſumptuous arrogancy of ſuch as through prefidence of their own skill, or any other ſiniſter reſpects, dare boldly attempt to excerciſe any viclence upon or towards the bodyes of young or old, one or other, to the prejudice or hazard of the life or limbe of man, woman or child. [*1649*]

No force or violence to be uſed in any caſe without conſent &c.

Clerke of the Writts.

L. 2. P. 13.

IT is Ordered by this Court and Authority thereof; That (notwithſtanding every Magiſtrate hath power to graunt Warrents, Summons and Attach.

Attachments) in every Town within this Jurisdiction, there ſhall hence-forth be a Clerke of the Writts, nominated by each Town, and allowed by each Shire Court; to grant Summons and Attachments in all Civil Actions, at the liberty of the Plaintiffe, and Summons for Witneſſes; and the ſaid Clerks are allowed to grant Replevins, and to take Bond with ſufficient ſecurity of the party to proſecute the Suite, whoſe Fees ſhall be, for every Warrant *two pence*, a Replevin or Attachment *three pence*, and for a Bond *four pence*. And all Attachments are to be directed to the Conſtables, in ſuch Townes where there is no Marſhal dwelling. [*1641*]

Clerks fees.

Warrants directed to the Conſtable.

It is Ordered, That henceforth the Clerke of the Writts ſhall demaund of ſuch as receive Attachments of them, *three pence* a peece more then formerly, in behalfe of the Marſhal General, which ſhall be in liew of that *three pence* on Attachments, by a former Law he was to receive of the Conſtable or County Marſhal, and that the Conſtables ſhall have but *twelve pence* upon an Attachment as formerly. [*1660*]

Clerk of the Writts to Reſpond the Marſhalls fees of 3 d Attachment.

COLLEDGE.

WHereas *through the good hand of God upon us, there is a* Colledge *founded in* Cambridge *in the County of* Middleſex, *called Harvard Colledge; for the incouragement whereof,* this Court *hath given the Summ of* four hundred pounds, *and alſo the Revenue of the Ferry bewixt* Charles-town *and* Boſton; *and that the well Ordering and mannaging of the ſaid Colledge is of great concernment;*

It is therefore Ordered by this Court and the Authority thereof, That the Governour, and Deputy Governour for the time being, and all the Magiſtrates of this Jurisdiction, together with the teaching Elders of the ſix next adjoyning Townes, *viz: Cambridge, Watertowne, Charles-towne, Boſton, Roxbury and Dorcheſter*, and the *Preſident* of the ſaid Colledge for the time being, ſhall from time to time have full Power and Authority to make and eſtabliſh all ſuch Orders, Statutes and Conſtitutions, as they ſhall ſee neceſſary for the Inſtituting, Guiding and furthering of the ſaid Colledge, and ſeveral members thereof, from time to time, in Piety, Morallity and Learning, and alſo to diſpoſe, order and mannage to the uſe and behoofe of the ſaid Colledge and members thereof, all Gifts, Legacies, Bequeaths, Revenues, Lands and Donations, as either have been, are, or ſhall be Conferred, Beſtowed, or any wayes ſhall fall, or come to the ſaid Colledge. And whereas it may come to paſs, that many of the ſaid Magiſtrates and ſaid Elders may be abſent, or otherwiſe imployed about other weighty Affaires, when the ſaid Colledge may need their preſent Help and Counſell; It is therefore Ordered, that the greater number of Magiſtrates and Elders, which ſhall be preſent with the Preſident, ſhall have the Power of the whole; Provided that if any Conſtitution, Order or Orders by them made, ſhall be found hurtfull unto the ſaid Colledge, or the members thereof, or to the Weal-publick, then upon Appeal of the Party or Parties grieved, unto the company of Overſeers firſt mentioned, they ſhall Repeal the ſaid Order or Orders (if they ſhall ſee cauſe) at their next meeting,

Commiſioners and Feoffees of the Colledge.

To make Orders

Diſpoſe of Gifts and Revenues.

or ſtand accountable thereof to the next General Court. [*1636. 40. 42.*]

A. 54. P. 2. 2. *Whereas we cannot but acknowledge the great goodnes of God towards his People in this Wilderneſs, in rayſing up Schooles of Learning, and eſpecially the* Colledge, *from whence there hath ſprung many Inſtruments, both in Church and Common-wealth, both to this and other places: And whereas at preſent the work of the* Colledge *hath been ſeveral wayes obſtructed, and ſeems yet alſo at preſent, for want of comfortable maintenance, for the incouragement of a Preſident:* This Court *takeing the ſame into their ſerious conſideration, and finding that though many Propoſitions have been made for a voluntary Contribution, yet nothing hath hitherto been obtained from ſeverall perſons and Townes, although ſome have done very liberally and freely, and fearing leaſt we ſhould ſhew our ſelves ungratefull to God, or unfaithfull to poſterity, if ſo good a Seminary of Knowledge and Virtue ſhould fall to the ground through any neglect of ours;*

One hundred pounds given by the Court to the Preſident and Fellows.

It is therefore Ordered by this Court and the Authority thereof, That (beſides the Profit of the *Ferry* formerly granted to the Colledge, which ſhall be continued) there ſhall be yearly Levyed by Addition to the Country Rate *one hundred pounds*, to be payd by the Treaſurer of the Country to the Colledge Treaſurer, for the behooſe and maintenanc of the Preſident and Fellows, to be diſtributed between the Preſident and Fellows according to the determination of the Overſeers of the Colledge, and this to continue, dureing the pleaſure of the Country.

And it is hereby Ordered, That no man ſhall ſtand engaged to pay his voluntary Contribution, that he hath under-written, by virtue of this Courts propoſitions, and that ſuch perſons as have allready done voluntarily, ſhall be conſidered for the ſame in the Country Rate, ſuch a proportion as this addition of *one hundred pounds* doth adde to the Rate, to be allowed by the Conſtable to each perſon, and by the Treaſurer to the Conſtable. [*1659*]

CONDEMNED.

None to be executed within 4. dayes after Condemnation.

IT is Ordered by this Court; That no man Condemned to dye, ſhall be put to Death within four dayes next after his condemnation, unles the Court ſee ſpecial cauſe to the contrary, or in caſe of Marſhal Law: nor ſhall the Body of any man ſo put to death, be unburied *twelve houres*, unleſs it be in caſe of *Anotomie*. [*1641*]

Signing of Warrants for execution.

It is Ordered by this Court and the Authority thereof, That the *Secretary* for the time being, ſhall from time to time, Signe all *Warrants* for the execution of perſons ſentenced to Death, either in the General Court or Court of Aſſiſtants: and that the *Secretary* or *Clerke* of every Court ſhall ſigne *Warrants* for executions in all other judgements of Courts Civil or Criminal any Cuſtome or uſage to the contrary notwithſtanding. [*1668*]

CONSTABLES.

IT is Ordered by this Court and Authority thereof, That the Conſtable ſhall Whip, or Puniſh any to be puniſhed by Order of Authority (where there is not another Officer apointed to do it) in their own Townes, unleſs they can get another to do it; Alſo every Conſtable is Impowered and hereby Enjoyned, faithfully to Collect ſuch Rates and Aſſeſsments as ſhall from time to time be committed unto them, by the Select men of the ſeveral Towns, provided it be by Warrant under their hand.

Conſtable to whip.

A. 55. P. 26

To Collect town Rates.

2. It is further Ordered; That any and every Perſon tendered to any Conſtable of this Jurisdiction, by any Conſtable or other Officer, of our owne, or belonging to any Forraine Jurisdiction in this Country, or by Warrant from any ſuch Authority; ſhall be preſently received and conveyed forthwith from Conſtable to Conſtable, till they be brought to the place to which they are ſent, or before ſome Magiſtrate of this Jurisdiction, who ſhall diſpoſe of them as the juſtice of the cauſe ſhall require.

To convey Offenders.

Hues & cryes to be purſued.

And all *Hues & cryes* ſhall be duely received and diligently purſued to full effect; And where no Magiſtrate is neer, every Conſtable ſhall have full power to make, ſigne, and put forth, purſuites or *Hues & cryes*, after *Murderers, Manſlayers, Peace-breakers, Theeves, Robbers, Burglarers*, and other Capital offenders, as alſo to Apprehend without warrant, ſuch as are overtaken with *Drinke, Swearing, Sabbath-breaking, Lying, Vagrant perſons, Night-walkers*; Provided they be taken in the manner, either by the ſight of the Conſtable, or by preſent information from others.

To be put forth by the Conſtable

Offenders to be Apprehended.

As alſo to make ſearch for all ſuch perſons, either on the Sabbath day or other, when there ſhall be occaſion, in all houſes Licenſed to ſell either Beer or Wine, or in any other ſuſpected or diſordered places, and thoſe to Apprehend and keep in ſafe cuſtody, till opportuinity ſerve to bring them before one of the next Magiſtrates, to further examination; Provided when any Conſtable is imployed by any of the Magiſtrates, for Apprehending of any perſon, he ſhall not do it without Warrant in writing;

All to aſſiſt the Conſtable on penalty of 10. s.

And if any perſon ſhall refuſe to aſſiſt any Conſtable, in the execution of his Office, in any of the things aſore mentioned, being by him required thereto, they ſhall pay for neglect thereof *ten ſhillings*, to the uſe of the Country, to be levyed by Warrant from any Magiſtrate, before whom any ſuch offender ſhall be brought, and if it appear by good teſtimony, that any ſhall willfully, obſtinately, or contemptuouſly refuſe or neglect to aſſiſt any Conſtable as is before expreſſed, he ſhall pay to the uſe of the Country *forty ſhillings*.

Willfull neglect forty ſhillings.

And that no man may plead ignorance for ſuch neglect or refuſall;

It is Ordered, that every Conſtable ſhall have a *Black ſtaff*, of five foot long, Tipped at the upper end about *five inches* with braſs, as a Badge of his Office, which he ſhall take with him when he goeth to diſcharge any part of his Office; which ſtaff ſhall be provided at the charge of the Town, and if any Magiſtrate, Conſtable, or any other upon urgent occaſion, ſhall refuſe to do their beſt endeavour, in raiſing and proſecuting *Hues & cryes*, by foot, and if need be by horſe, after ſuch as have committed Capital Crimes, they ſhall forfeit for every ſuch offence to the uſe aforeſaid *fourty ſhillings*. [*1646.*]

Conſtable Staff.

Not raiſing Hue and cries in Capital caſes forf.

For the Regulating and ſettling the charge of proſecution of Hues & cryes, It is Ordered, that what ſhall Ariſe by occaſion of eſcape from the Countrys Priſon

priſon, or flight from Authority to avoyd the ſame, ſhall be payd by the *Treaſurer of the Country*, and ſuch as Ariſe by flying fom any of our County priſons, or to e cape any of them, ſhall be defrayed by the *Treaſurer of that County* where the occaſion did ariſe. And ſuch perſons as procure *Hues & cryes* upon their own particular occaſions, ſhall bear all the charge ariſing therefrom; provided due accompts be made by ſuch as demand pay. [*1660.*]

Charge of Hues and cries.

Conveyances, Deeds and Writings.

A. *52.* P. *15.* FOR *the prevention of Clandeſtine and uncertaine Sales and Titles*; It is Ordered and Declared by this Court, That henceforth no Sale or Alienation of Houſes and Lands, within this Jurisdiction, ſhall be holden good in Law, except the ſame be done by Deed in writing, under hand and Seal, and Delivered, and Poſſeſſion given upon part in the name of the whole, by the Seller or his Attorney, ſo Authorized under hand and Seal; unleſs the ſaid Deed be acknowledged and Recorded according to Law. [*1652.*]

No ſale of Land vallid without Deed &c.

A. *51.* P. *2.*] 2. *Whereas the unskilfullnes of ſome, that make Deeds and Conveyances of Houſes and Land, the word Heire is oftentimes Omitted, when as an Eſtate of Inheritance is intended to be paſſed by the Parties; whereupon Queſtions and Suites at Law are apt to ariſe: For the prevention whereof for time to come; This Court Ordereth*;

That all Deeds and Conveyances of Houſes and Lands in this Jurisdiction, wherein an Eſtate of Inheritance is to be Paſſed, it ſhall be expreſſed in theſe words, or to the like effect; *viz.* To Have and to Hold, the ſaid Houſe or Lands reſpectively, to the Partie or Grantee, his Heires and Aſſignes for ever; or if it be an Eſtate entayled, then to Have and to Hold &c: to the Partie or Grantee, and to the Heires of his body Lawfully begotten, or to the Heires Male of his body Lawfully begotten, between him and ſuch an one his wife, or to Have and to Hold to the Grantee for terme of life, or for ſo many yeares; Provided this Law ſhall not include former Deeds and Conveyances, but leave them in the ſame condition, as they were or ſhall be in before this Law takes effect, which ſhall be at the laſt of *Octlober* one thouſand, ſix hundred, and fifty one, Provided alſo that this Law ſhall not extend to Houſes or Lands given by Will or Teſtament, or to any Land granted, or to be granted by the Inhabitants of a Towne. [*1651.*]

How Deeds and Conveyances are to be made.

L. 1. P. 16. 3. It is Ordered, That no Conveyance, Deed or Promiſe whatſoever, ſhall be of Validity, if it be obtained by illegal Violence, Impriſonment, Threatning, or any kind of Forcible compulſion, called *Dures.* [*1641.*]

Debts obtained by force invallid.

And all Covenous or Fraudulent Alienations or Conveyances of Lands, Tenements, or any Hereditaments, ſhall be of no force or validity, to Defeate any man from his due Debts or Legacies, or from any juſt Title, claime or poſſeſſion, of that which is ſo Fraudulently conveyed.

Fraudulent Deeds invallid.

4. *And for the avoyding all Fraudulent Conveyances, and that every*

man

man may know what Eſtate or Intereſt, other men may have in any Houſes, Lands or other Hereditament, they are to deale in;

It is Ordered by the Authority of this Court, That after the end of *October, one Thouſand, ſix hundred and forty*, no Mortgage, Bargain, Sale, or Grant made, of any Houſes, Lands, Rents or other Hereditaments, where the Granter remaines in Poſſeſſion, ſhall be of any Force againſt other perſons, except the Granter and his Heires, unleſs the ſame be acknowledged before ſome Magiſtrate, and Recorded, as is hereafter expreſſed: And that no ſuch Bargain, Sale or Grant already made in way of Mortgage, where the Granter remains in poſſeſſion, ſhall be of Force againſt other, but the Granter or his heires, except the ſame ſhall be entred as is hereafter expreſſed within one Month after the date before mentioned, if the party be within this Jurisdiction, or elſewere, within three Months after he ſhall return; And if any ſuch Granter being required by the Grantee his Heires or Aſſignes, to make an Acknowledgment of any Grants, Sale, Bargain or Mortgage by him made, ſhall refuſe ſo to do, it ſhall be in the Power of any Magiſtrate to ſend for the partie ſo refuſing, and commit him to priſon without Baile or Mainpriſe, until he ſhall acknowledge the ſame, and the Grantee is to enter his Caution with the Recorder of the County Court, and this ſhall ſave his Intereſt in the mean time; [And if it be Doubtfull whether it be the Deed and Grant of the party, he ſhall be bound with Sureties to the next Court of Aſſiſtants, and the Caution ſhall remaine good as aforeſaid.

Sales to be acknowledged and Recorded

Party refuſing to acknowledge his Deed to be Impriſoned

Grantee to enter his Caution.

And for the Recording of all ſuch Grants, Sales, Mortgages;

It is Ordered, that the Clerke of every Shire Court ſhall Enter all ſuch Grants, Sales, Bargains, Mortgages of Houſes, Lands, Rents and Hereditaments as aforeſaid, together with the names of the Granter and Grantee, Thing and Eſtate granted, together with the Date thereof. [*1641, 42.*]

Clerke of the Court to enter Deeds.

COUNCIL.

THIS Court conſidering how the weighty Affaires of this Jurisdiction, whether they Concern this peculiarly, or have Reference to the reſt of our Confederated Colonies, may be duely and ſpeedily Tranſacted, in the Vacancy of the General Court, for the ſatisfaction of the Commiſſioners, in reſpect of the weighty and ſuddain occaſions which may be then in hand;

Doth hereby Expreſs and Declare, that the General Court ought to be called by the Governour, when the importancy of the buſines doth require it, and that time and opportunity will ſafely admit the ſame; and that all other neceſſary matters are to be Ordered and diſpatched by the Maior part of the Coucil of the Common-wealth: And therefore to that end, Letters ſignifiing breifly the buſines, and the time and place of meeting for Conſultation ought to be ſent unto the Aſſiſtants.

Council how to be called together.

Alſo it is hereby Declared, that Seven of the ſaid Aſſiſtants meeting, the Governour or Deputy Governour being one, is a ſufficient Aſſembly to Act, by Impreſſing of Souldiers or otherwiſe as need ſhall be, and in caſe of extream and urgent neceſſity, when endeavours are reaſonably uſed to call togeiher the Aſſiſtants, and the buſines will not admit delay, then

How many may Act.

Their power.

the Acts of so many as do Assemble, are to be accounted and are accounted Vallid and sufficient: Also it is intended, that the General words afore mentioned, containe in them Power to Impress and send forth Souldiers, and all manner of Victuals Vessels at Sea, Carriages and all other necessaries, and to send *warrants* to the Treasurer to pay for the same. [*1645*]

COUNSEL. ADVICE.

L.2. P.1.

None to aske Counsel of Magistrate or Commis. in Civil act.

IT is Ordered by this Court; That it shall not be Lawfull for any person to aske Counsel or Advice of any Magistrate, or Commissionee in Townes, in any Case wherein afterwards he shall or may be Plaintiffe, before such Magistrate or Commissioner, under penalty of being disinabled to prosecute any such Action, (that he hath so propounded or taken advice as aforesaid,) at the next Court where the case shall come to Tryal, being pleaded by way of Barr, either by the Defendant or any on his behalfe; in which Case the Plaintiffe shall pay full Costs to the Defendant, and if the Defendant ask Counsel or Advice as aforesaid, he shall forfeit *ten shillings* for every such offence to the Plaintiffe.

COURTS.

L2..P.10, 13.

General Court the Cheif power.

IT is hereby Declared, That the General Court consisting of Magistrates and Deputies, is the chief Civil Power of this Common-wealth; which onely hath Power to Raise Money and Taxes upon the whole Country, and dispose of Lands, *viz.* to Give and Confirme Proprieties, appertaining to and immediately derived from the Country; and may Act in all affaires of this Common-wealth according to such Power, both in matters of Counsel, makeing of Lawes, and matters of Judicature, by Impeaching and Sentencing any person or persons according to Law, and by receiving and hearing any Complaints orderly presented against any person or Court;

And it is Agreed, that this Court will not proceed to Judgement in any Cause, Civil or Criminal, before the *Deputyes* have taken this Oath following. [*1634, 42, 44.*]

L.2.P.24.

Deputys Oath,

I *Doe Swear by the most great and dreadfull Name of the Everliving God, that in all Cases wherein I am to deliver my Vote or Sentence, against any Criminal Offence, or between Parties in any Civil case; I will deale uprightly and justly, according to my judgement and conscience; And I will according to my skill and ability, Assist in all other Publick affaires of this Court, Faithfully and Truely, according to the Duty of my place, when I shall be present to attend the service.*

L.1.P.16.

Magistrates and Deputys to sitt apart

2. *Forasmuch as after long Experience, diverse inconveniences are found in the manner of preceeding in this Court, by Magistrates and Deputies sitting together:* It is therefore Ordered by this Court and Authority thereof; That henceforth the Magistrates sitt apart, and Act all busines belonging to this Court, by themselves; by drawing up Bills and Orders,

as

as they ſhall ſee good in their wiſedom, which haveing agreed upon, they may preſent to the Deputies to be conſidered, and accordingly to give their Conſent or Diſſent: The Deputies in like manner ſitting by themſelves, and conſulting about ſuch Orders and Laws, as they in their diſcretion and experience ſhall finde meet for the Common good; which agreed on by them, they may preſent to the Magiſtrates, who haveing conſidered thereof, may manifeſt their Conſent or Diſſent thereto;

And no Law, Order or Sentence ſhall paſs, or be accounted an Act of this Court, without conſent of the greater part of the Magiſtrates on the one party, and the greater number of Deputies on the other party; But all Orders and Concluſions that have paſſed by Approbation of Magiſtrates and Deputyes as aforeſaid, ſhall be accounted Acts of this Court, and accordingly be Ingroſſed, which on the laſt of day every Seſſion ſhall be deliberately Read over before the whole Court; Provided that if the Magiſtrates and Deputies ſhall happen to differ in any caſe of Judicature, either Civil or Criminal, ſuch Caſe ſhall be determined by the Major Vote of the whole Court met together.

L. 1. P. 35.

No Act to paſſ. without conſent of the major part of both.

A. 52. P. 11

3. *FOR the Electing of the Governour, Deputy Governour, Aſſiſtants and General Officers, upon the day appointed by our Patint, to hold our yearly Election, being the laſt Wednesday of every Eaſter Tearm*;

It is Solemnly and Unanimouſly Decreed and Eſtabliſhed; That henceforth, the *Freemen* of this Jurisdiction, ſhall either in Perſon or by Proxy, without any Summons Attend and Conſummate the Elections on the day aforeſaid yearly; at which time alſo they ſhall ſend their Deputyes with full Power to conſult of and determine ſuch matters, as concern the Welfare of this Common-wealth; From which General Court, no Magiſtrate or Deputy ſhall depart or be diſcharged, without the conſent of the Major part both of Magiſtrates and Deputies, during the firſt four dayes of the firſt Seſſion, under the penalty of one *hundred pounds*, nor afterwards under ſuch penalty as the Court ſhall impoſe, Provided that the Deputies of Dover, and of ſuch other Townes as are not by Law bound to ſend Depuies, are at liberty of attending any after Seſſions. [*1643, 53.*]

Day of Election to be attended without Summons.

Deputies alſo to be ſent.

None to depart without leave.

4. It is hereby Ordered and declared, that the Governour and Deputy Governour, joyntly agreeing, or any three Aſſiſtants conſenting, have power out of Court to Reprieve a condemned Malefactor, till the next Court of Aſſiſtants, or General Court; and that the General Court onely hath Power to Pardon a condemned Melefactor.

L. 1. P. 24.

Governour and Deputy Govern. or three Aſſiſtant power to reprieve one condemned.

Alſo it is declared, that the General Court hath Authority to ſend forth into Forraine parts, any member of this Common-wealth, of whatſoever quality, conditon, office or relation, about any publick Meſſage or Negotiation, Provided the Party ſo ſent be acquainted with the Affaires he goeth about, and be willing to undertake the Service. [*1641*]

General Court may ſend forth any perſon.

5. It is Ordered by this Court, that the Governour, Deputy Governour, or greater part of the Aſſiſtants, may upon urgent occaſion call a General Court at any time; But no General Court ſhall be diſſolved or adjourned, without the conſent of the Major part thereof.

L. 1. P. 36. 24.

Power to call a General Court Not to be diſſolved but by conſent

6. It is Ordered and declared, that the Governour ſhall have a caſting Vote, whereſoever there ſhall be an *aqui-vote*, in the Courts of Aſſiſtants or General Court, & the Preſident, or Moderator in all Courts of Civil Aſſemblies. [*1641*]

Governour and Preſident caſting vote.

The Court being ſenſible of the great neceſſity of maintaing the Authority of Courts and Magiſtrates;

L. 1. P. 36. Doth Order, That whoſoever ſhall openly or willingly defame any Court of Juſtice, or the Sentences and Proceedings of the ſame, or any of the Magiſtrates, or other Judges of any ſuch Court, in reſpect of any act or ſentence therein paſſed, and be convicted thereof; ſhall be puniſhed for the ſame, by whipping, fine, impriſonment, diſfranchiſment, or baniſhment, as the quality or meaſure of the offence ſhall deſerve.

Reproach Courts or Magiſtrates penalty.

And if any Magiſtrate or other member of any Court, ſhall uſe any reproachfull or unbeſeeming ſpeeches or behaviour, towards any Magiſtrate, Judge, or member of that Court, in the face of the Court; he ſhall bee ſharply reproved by the Governour or Preſident of the ſaid Court, and if the quality of the offence be ſuch as ſhall deſerve a further Cenſure, or if the perſon ſo reproved ſhall reply again without leave; the Court may proceed to puniſh any ſuch offender, by fine or impriſonment, or may bind him over to the next ſuperiour Court. And if in a General Court, any miſcariage ſhall be amongſt the Magiſtrates, when they are by themſelves, it ſhall be examined and ſentenced amongſt themſelves, if amongſt the Deputyes when they are by themſelves, it ſhall be examined and ſentenced when they are by themſelves, if it be when the whole Court is together, it ſhall be judged by the whole Court. [*1637, 41.*]

Offences of the members of the Court in Court how cenſured.

7. For the better Adminiſtration of Juſtice, and eaſing of the Country of unneceſſary charges and travaile;

L. 1. P. 14. It is Ordered by this Court and the Authority thereof, That there bee two Courts of Aſſiſtants yearly kept at *Boſton*, by the Governour, or Deputy Governour and the reſt of the Magiſtrates, on the *firſt Tuesday* of the *firſt month*, and on the *firſt Tuesday* of the *ſeventh month*, to hear and determine all, and onely actions of Appeale from inferiour Courts, all Cauſes of divorce, all Capital and Criminal Cauſes, extending to Life, Member or Baniſhment. And that Juſtice be not deferred, nor the Country needleſly charged; It ſhall be Lawfull for the Governour, or in his abſence the Deputy Governour (as they ſhall judge neceſſary) to call a Court of Aſſiſtants for the Tryall of any Malefactour in Capital Cauſes.

Two Courts of Aſſiſtants their power.

L. 3. P. 5. Governour may call a Court of Aſſiſtants

Alſo there ſhall be County Courts held in the ſeveral Countyes, by the Magiſtrates living in the reſpective Counties, or any other Magiſtrates that can attend the ſame, or by ſuch Magiſtrates as the General Court ſhall appoint from time to time; together with ſuch perſons of worth, where there ſhall be need, as ſhall from time to time be appointed by the General Court (at the nomination of the Freemen of the County) to be joyned in Commiſſion with the Magiſtrates, ſo that they may be Five in all, Three whereof may keep a Court, provided there be one Magiſtrate; Every of which Courts ſhall have full power to hear and determine all Cauſes, Civil and Criminal, not extending to Life, Member or Baniſhment, (which with Cauſes of divorce, are reſerved to the Court of Aſſiſtants) and to make and conſtitute Clerks and other needfull Officers, and to Summon Juryes of Inqueſt, and Tryals out of the Towns of the County; Provided no Jurors ſhall be warned from *Salem to Ipſwich*, nor from *Ipſwich to Salem* and the times and places for holding the County Courts ſhall be as followeth

L. 1. P. 14, 15. County Courts who keep them

How many Judges their Power.

SUFFOLK.

Boſton the laſt tueſday of the ſecond Month.
The laſt tueſday of the fifth Month.
The laſt tueſday of the eighth Month.
And the laſt tueſday of the eleventh Month.

Time and place of the County Courts.

NORFOLK.

Salisbury the ſecond tueſday of the ſecond Month
Hampton the ſecond tueſday of the eighth Month.

ESSEX.

Salem the laſt tueſday of the fourth Month.
And the laſt tueſday of the ninth Month.
Ipſwich the laſt tueſday of the firſt Month.
And the laſt tueſday of the ſeventh Month.

PASCATAQUA

Dover, *Portſmouth* } the laſt tueſday of the fourth Month.

MIDDLESEX.

Charlſtown the third tueſday of the fourth Month,
And the third tueſday of the tenth Month.
Cambridge the firſt tueſday of the ſecond Month.
And the firſt tueſday of the eighth Month.

YORKSHIRE.

York the firſt tueſday of the fifth Month.

HAMPSHIRE.

North-Hampton the laſt tueſday of the firſt Month.
Springfield the laſt tueſday of the ſeventh Month.

A Judgement acknowledged before any two Magiſtrates and the Secretary or Clerk of any Court, ſhall be good in Law, and the Clerks Fee for Recording the ſame ſhall be *twelve pence*, and if the Secretary or Clerk be a Magiſtrate, he with one Magiſtrate may do it. L.2.p.7. Judgement acknowledged before two Magiſtrates.

8. *For the more ſpeedy diſpatch of all Cauſes which ſhall concern Strangers, who cannot without prejudice ſtay to attend the ordinary Courts of Juſtice*; L.1.p.15.

It is Ordered, That the Governour or Deputy Governour, with any two Magiſtrates, or when the Governour, Deputy Governour, cannot attend it, that any three Magiſtrates ſhall have power upon the requeſt of Special Court for Strangers

such Stranger, to call a special Court to hear and determine all Causes civil and criminal (triable in any County Court according to the manner of proceeding in County Courts) which shall arise between such Strangers, or wherein any such Stranger shall be party. And all Records of such proceedings, shall be transmitted to the Records of the Court of Assistants, to be entred as trials in other Courts (which shall be at the charge of the party cast or condemned in the case. [*1639.*]

Records of special Courts to be transmitted to the Court of Assistants.

L.2.P.15. It is further Ordered that it shall be lawful for any Stranger, upon legal Summons, to enter any Action in any Court of this Jurisdiction, against any person not residing or Inhabitant amongst us.

Strangers liberty to sue at any Court.

L.1.P.36. 9. *For preventing all occasions of partial or undue proceedings, in Courts of Justice and avoiding of jealousies*;

It is Ordered, that in every civil Cause, between Party and Party, where there is between any Judge of the Court, and any of the parties, the Relation of Father and Son, either by Nature or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenent in matters of considerable value: Such Judge, though he may have liberty to give reasonable Advice in the case, yet shall have no power to Vote or give Sentence therein; neither shall sit as a Judge, when he shall so plead or give Advice therein. [*1635.*]

Judges related to parties not to give Sentence.

L.1.P.16. 10. It is Ordered by this Court; that every person, that is to Answer for any criminal Cause, whether in Prison or under Bayle; his Cause shall be heard and determined at the next Court that hath proper cognizance thereof, if it may be done without prejudice of Justice. [*1641.*]

Offender to be Judged the next Court.

A.54.P.2. 11. *Forasmuch as the proceedings of this Court are often hindred by introducing particular cases of a private nature*;

It is therefore Ordered, that no Court shall transfer the Cases comeing before them, and proper to their cognizance, whether civil or criminal, but if there be difficulty in any case the Court shall state the Question, leaving out the parties Names, and may present the same to the General Court, where it may be resolved; and according to the said resolution of the General Court, the Inferiour Court that presented the Question, shall at their next meeting proceed to Judgement or Sentence. [*1654.*]

In difficult cases Courts may consult with the General Court

L.2.P.4. 12. Every Court within this Jurisdiction where two Magistrates are present, may admit any Church Members, that are fit to be Freemen, giving them the Oath, and the Clerk of each Court shall certifie their Names to the Secretary at the next General Court. [*1641.*]

County Courts may admit Freemen

It is Ordered that the Secretary at the request of all such as are admitted to the freedome of this Colony or any in their behalf, give a true copy out of this Courts Records of their Names by them to be delivered to the Clerks or Recorders of those Courts in the several Counties to which they do belong, with a copy of the Oath of Freemen as it is now stated, that they may there take their Oathes, &c. [*1666.*]

Freemens names to be Recorded

Courts Ajournments.

WHereas *through the extremity of the seasons in this Country, or other accidents that often happen, that Courts of Justice are sometimes put by to the great prejudice of Justice*;

This

This Court doth therefore Order, that henceforth it ſhall be in the power of any one or more of the Magiſtrates, being preſent at the time and place where the Court is to be kept, to Adjourne the ſaid Court to ſome more convenient time, as though the whole Court had been met; and all Jury-men, Witneſſes and Parties ſummoned to attend the Court, either in Civil or Criminal Caſes, according to their reſpective Summons, Obligations, Attachments or other Proceſs are hereby bound to ſuch Adjournments, and all proceedings to remain in force as though the ordinary courſe of time had been attended [*1661.*]

Courts Ajournments.

CRUELTY.

IT is Ordered by this Court, That no man ſhall exerciſe any Tyranny or Cruelty towards any Bruit Creatures, which are uſually kept for the uſe of Man. [*1641.*]

Cruelty.

Death Untimely.

IT is Ordered by this Court and the Authority thereof, that whenſoever any Perſon ſhall come to any ſuddain, untimely or unnatural death; ſome Aſſiſtant or the Conſtable of the Town, ſhall forthwith Summon a Jury of twelve diſcreet Men to inquire of the cauſe and manner of their Death, who ſhall preſent a true verdict thereof to ſome near Aſſiſtant, or the next County Court upon their Oath. [*1641.*]

Untimely death to be inquired by a Jury.

DEBTS by *BOOK*

ON complaint, and conſideration of ſundry Inconveniences both to Creditors and Debtors, through want of ſeaſonable examination and balancing of Book accompts;

It is Ordered, and by this Court Enacted, that all ſuch Book-debts as are now ſtanding out, or that hereafter ſhall be made, and that ſhall not within three years after publication hereof, or within three years after ſuch debt as hereafter ſhall be made, be accounted for or ballanced with the

Book debts to be Ballance within 3 years.

the Original Debtor or his Attorney, Agent, Aſſigne, or other lawful Succeſſor or Subſtitute, and on Accompt or Ballance thereof, aſſured by Specialty given for it, or witneſſed by ſubſcribing the Debtor or other Accomptants Name to the Creditors Book, or Subſcription of the Witneſſes to ſuch Accompt, ſhall not be pleadable in any Court; unleſs ſuch Book-debt ſhall within the time before limited, be proſecuted or proved in ſuch Court as hath proper cognizance thereof, by Evidence competent and approved by the ſaid Court: And the Evidence there Recorded, and the Record thereof, ſhall ſecure the Creditor, his Executors and Aſſignes, unleſs the Debtor or his Aſſignes ſhall diſprove the ſame, within one year after ſuch proof made, or recovery of the ſaid Debt, if ſuch Debtor, his or her Agent, Attorney, Aſſigne, Subſtitute, Executor, Adminiſtrator or other lawful ſucceſſor, be or ſhall be within this Juriſdiction, or elſewhere, and have due notice from the Creditor thereof.

Deputies for the General Court.

Deputies choſen by paper.

IT is Ordered by this Court and the Authority hereof, that henceforth it ſhall be lawful for the Freemen of every Town, to chuſe (by Papers) Deputies for the General Court; who have liberty to meet together, to conſer and prepare ſuch publick buſineſs, as by them ſhall be thought fit to be conſidered of at the next General Court, who alſo ſhall have the full power of all the Freemen deputed to them, for the making and eſtabliſhing of Laws, granting Lands, and to deal in all other affaires of the Common-wealth, wherein the Freemen have to do, the matter of Election of Magiſtrates and other Officers onely excepted: wherein every Freeman is to give in his Vote; Provided that no Town ſhall ſend more then two Deputies, and no Town that hath not to the number of twenty Freemen ſhall ſend more then one Deputy; and ſuch Plantations as have not ten Freemen ſhall ſend none, but ſuch Freemen may Vote with the next Town, in the choice of their Deputies, till this Court take further Order. And all Towns that have not more then thirty Freemen, ſhall be at liberty of ſending or not ſending Deputies to the General Court. [*1636. ſt 53.*]

Their power

Number of Deputies to be ſent from particular Towns.

A. 53.

Liberty to chuſe Deputies dwelling any where in this Juriſdiction

2. And the Free men of any *ſhire* or *town*, have liberty to chooſe ſuch Deputies for the Generall Court, either in their own ſhire Town, or elſe where as they judge fitteſt, ſo be it they be Freemen, and Inhabiting this Juriſdiction.

Deputies may order their own houſe

And when the Deputies for the ſeveral Towns are met together at any Generall Court, it ſhall be lawful for them or the major part of them, to hear and determine any difference that may ariſe about the Election of any of their Members, and to order what may concern the well ordering of their body.

And becauſe we cannot foreſee what variety and weight of occaſions may fall into future conſideration, and what Counſels we may ſtand in need of;

this

It is Ordered that the Deputies of the General Court, ſhall not at any time be ſtated and continued but from Court to Court, or at moſt but for a year, that the Country may have an annual liberty, to do in that caſe what is moſt behoofful for the welfare thereof [1641.34.35.] No Deputies to hold longer then one year.

And it is further Ordered, that no man although a Freeman ſhall be accepted as a Deputy in the General Court, that is unſound in Judgement, concerning the main points of Chriſtian Religion, as they have been held forth and acknowledged by the generality of the Proteſtant Orthodox Writers; or that is ſcandalous in his converſation, or that is unfaithful to this Government. A. 54. p. 3. Deputies to be Orthodox

And it is further Ordered, that it ſhall not be lawful for any Freeman to make choice of any ſuch perſon as aforeſaid, that is known to himſelf to be under ſuch offence or offences ſpecified, upon pain or penalty of five pounds, and the Caſes of ſuch perſons to be tried by the whole General Court. [1654.]

And henceforth the Conſtables of each Town, ſhall return the name of the perſon or perſons choſen by the Freemen to be Deputies for the General Court, and the time for which they are choſen, whether for the firſt Seſſion or for the whole year. And every Conſtable that ſhall faile in his duty herein ſhall forfeit the ſum of twenty ſhillings, to be paid to the common Treaſury; and all perſons ſo choſen as aforeſaid, accepting thereof, which ſhall be abſent from the houſe, during the time of their ſitting, without juſt grounds ſo judged by the houſe, ſhall pay twenty ſhillings a day for every ſuch defect, and the ſeveral returns of each Conſtable, ſhall be kept on file by the Clerk of the Deputies untill the Court be ended. [1654.] Conſtable to return who are choſen Deputies and for what time.

It is Ordered by this Court and the Authority thereof, that no perſon who is an uſual and common Attorney in any Inferiour Court, ſhall be admitted to ſit as a Deputy in this Court. Common Attorney no Deputy

DISTRESSE

IT is Ordered by this Court and the Authority thereof, that no mans Corn or Hay that is in the field, or upon the Cart, nor his Garden ſtuffe, nor any thing ſubject to preſent decay, ſhall be taken in Diſtreſs, unleſs he that takes it doth preſently beſtow it where it may not be imbezled, nor ſuffer ſpoile or decay, or give ſecurity to ſatisfie the worth thereof, if it comes to any harm. [1641.] Diſtreſs upon Corn or Hay &c

DOWRIES.

FOraſmuch as no proviſion hath been made for any certain maintenance of Wives after the deceaſe of their Husbands;

Wives to enjoy the third of their Husbands Lands, &c.

It is Ordered by this Court and the Authority thereof, that every Married Woman, (living with her Husband in this Juriſdiction, or other where abſent from him with his conſent, or through his meer default, or inevitable providence, or in caſe of *Divorce*, where ſhe is the innocent party) that ſhall not before Marriage be eſtated by way of joynture, in ſome Houſes, Lands, Tenements or other Hereditaments for tearm of life, ſhall immediately after the death of her Husband, have Right and Intereſt by way of *Dowry*, in and to one third part of all ſuch Houſes, Lands, Tenements and Hereditaments, as her Husband was ſeized of to his own uſe, either in poſſeſſion, Reverſion or Remainder, in any Eſtate of Inheritance, (or Frank tenement not then determined) at any time during the Marriage, to have and enjoy for the tearm of her natural life, according to the Eſtate of ſuch Husband, free and freely diſcharged of, and from all Titles, *Debts*, Rents, Charges, Judgements, Executions and other Incumbrances whatſoever, had, made or ſuffered by her Husband, during the ſaid Marriage between them, or by any other perſon claiming by, from or under him, or otherwiſe, then by ſome Act or Conſent of ſuch Wife ſignified by writing under her hand, and acknowledged before ſome Magiſtrate or others, Authorized thereunto, which ſhall bar her from any Right or Intereſt in ſuch Eſtate. And if the Heir of the Husband or other perſon Intereſted, ſhall not within one Month after lawful demand made, aſſigne and ſet out to ſuch Widdow her juſt third part with conveniency, or to her ſatisfaction, according to the intent of this Law, then upon a Writ of *Dowry*, in the Court of that Shire where the ſaid Houſes, Lands, Tenements or other Hereditaments ſhall lye, or in the Court of Aſſiſtants, if the ſame lye in ſeveral Shires; her third part or *Dowry* ſhall be aſſigned her, to be ſet out in ſeveral, by Mets and Bounds, by ſuch perſons as the ſame Court ſhall appoint for that purpoſe, with all coſts and damages ſuſtained; Provided alwayes this Law ſhall not extend to any Houses, Lands, Tenements or other Hereditaments ſold or conveyed away by any Husband *Bona fide*, for valuable conſideration before the laſt of *November one thouſand ſix hundred and forty ſeven.* Provided alſo that every ſuch widdow ſo endowed as aforeſaid, ſhall not commit or ſuffer any *ſtrip or waſte*, but ſhall maintain all ſuch Houſes, Fences and Incloſures as ſhall be aſſigned to her for her *Dowry*, and ſhall leave the ſame in good and ſufficient reparation in all reſpects. [*1641.*]

L. 2. p. 5.

Widdows third part to be ſet out.

Not to ſuffer ſtrip or waſte.

DROVERS.

IT is Ordered by this Court and the Authority thereof, That if any man ſhall have occaſion to lead, or drive Cattle from place to place that is far

far off, ſo that they be weary, or hungry, or fall ſick or lame, it ſhall be lawfull to reſt and refreſh them for a competent time in any open place that is not Corn, Meadow or incloſed for ſome particular uſe. [*1641.*]

ECCESIASTICAL.

ALL the People of God within this Juriſdiction, who are not in a Church-way, and be Orthodox in Judgement, and not Scandalous in life, Shall have full liberty to gather themſelves into a Church Eſtate, provided they do it in a Chriſtian way, with the obſervation of the Rules of Chriſt revealed in his Word. Liberty to gather Churches

Provided alſo, that the General Court doth not, nor will hereafter approve of any ſuch companies of men, as ſhall joyn in any pretended way of Church-fellowſhip, unleſs they ſhall acquaint three or more Magiſtrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein. with approbation of Magiſtrates & Elders

2. It is further Ordered, that no perſon being a Member of any Church which ſhall be gathered without the approbation of the Magiſtrates and the ſaid Churches, ſhall be admitted to the freedome of this Common-wealth.

3. Every Church hath free liberty to exerciſe all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they be able, pious and Orthodox. To chuſe Church Officers.

5. Every Church hath alſo free liberty of Admiſſion, Recommendation, Diſmiſſion and expulſion, or Diſpoſal of their Officers and Members upon due Cauſe,, with free Exerciſe of the Diſcipline and Cenſures of Chriſt, according to the Rules of the Word. Members

6. No Injunction ſhall be put upon any Church, Church officer or Member in point of Doctrine, Worſhip or *Diſcipline*, whether for Subſtance or Circumſtance beſides the Inſtitution of the Lord. No Humane Inſtitutions

7. Every Church of Chriſt, hath freedome to Celebrate dayes of Faſting and Prayer and of Thanksgiving, according to the Word of God

8. The Elders of Churches and other Brethren and Meſſengers, have liberty to meet Monthly, Quarterly or otherwiſe, in convenient Numbers and Places for Conference and Conſultation, about Chriſtian and Church Queſtions and Occaſions, provided that nothing be concluded and impoſed by way of Authority from one or more Churches upon another, but onely by way of Brotherly Conference and Confultation Elders meeting

9. All Churches alſo have liberty to deal with any of their Members in a Church way, that are in the hands of Juſtice, ſo it be not to retard and hinder the courſe thereof.

Churches liberty to deal with their members.

10. Every Church hath liberty to deal with any Magiſtrate, *Deputy* of Court or other Officer whatſoever, that is a Member of theirs, in a Church way, in caſe of apparent and juſt offence given in their places, ſo it be done with due obſervance and reſpect. But no Church Cenſure ſhall degrade or depoſe any man from any Civil *Dignity*, Office or Authority he ſhall have in the Common-wealth.

11. The Civil Authority here eſtabliſhed, hath power and liberty to ſee the Peace, Ordinances and Rules of Chriſt be obſerved in every Church, according to his Word as alſo to deal with any Church-member in a way of Civil Juſtice, notwithſtanding any Church Relation, Office or Intereſt.

Private meetings.

12. Private meetings for Edification in Religion, amongſt Chriſtians of all ſorts, ſhall be allowed, ſo it be done without juſt offence, for number, time, place and other circumſtances. [*1641.*]

L. 2. p. 7

13. The Treaſurer of the Country, ſhall defray the charges of the Elders of our Churches when they are imployed by ſpecial Order of the General Court. [*1642.*]

A. 58.

Whereas it is the duty of the Chriſtian Magiſtrate to take care the People be fed with wholeſome and ſound Doctrine, and in this hour of temptation wherein the Enemy deſigneth to ſow corrupt ſeed. Every company, cannot be thought able or fit, to judge of the Goſpel qualifications required in the publick diſpenſers of the Word, and all Societies of Chriſtians are bound to attend Order and Communion of Churches, conſidering alſo the rich bleſſing of God, flowing from the good agreement of the Civil and Church-eſtate, and the horrible miſchiefs and confuſions that follow on the contrary;

Conſtant preachers to be without offence.

It is therefore Ordered, that henceforth no perſon ſhall publickly and conſtantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a *Teaching Elder*, where any two Organick Churches, Council of State, or General Court ſhall declare their diſſatisfaction thereat, either in reference to Doctrine or Practiſe, the ſaid Offence being declared to the ſaid company of People, Church or Perſon, untill the Offence be orderly removed; and in caſe of Ordination of any *Teaching Elder*, timely notice thereof ſhall be given unto three or four of the neighbouring Organick Churches, for their approbation. [*1658*]

14. *Foraſmuch as the open contempt of Gods Word, and Meſſengers thereof, is the deſolating ſin of Civil State and Churches;*

Open oppoſers of the word.

It is Ordered, that if any Chriſtian (ſo called) within this Juriſdiction, ſhall contemptuouſly behave himſelf, towards the Word Preached, or the Meſſengers thereof, called to diſpenſe the ſame in any Congregation, when he doth faithfully execute his ſervice and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falſely with any Error, which he hath not taught in the open face of the Church, or like a ſon of *Korah*, caſt upon his true Doctrine, or himſelf any Reproach to the diſhonour of the Lord Jeſus who hath ſent him, and to the diſparagement of his holy Ordinance, and making Gods wayes contemptible and ridiculous: that every ſuch perſon or perſons (whatſoever cenſure the Church may paſs) ſhall for the

firſt

firſt Scandal be convented and reproved openly by the Magiſtrate at ſome Lecture, and bound to their good behaviour.

And if a ſecond time they break forth into the like contemptuous carriages, they ſhall either pay five pounds to the publick Treaſury, or ſtand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breaſt, written in Capital Letters,

AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES,

that others may hear and be aſhamed of breaking out into the like wickedneſs. [*1646.*]

And every Chriſtian as aforeſaid, that ſhall go about to deſtroy or diſturb the Order and Peace of the Churches eſtabliſhed in this Juriſdiction, by open renouncing their Church eſtate, or their Miniſtry, or other Ordinances diſpenſed in them, either upon pretence that the Churches were not planted by any new Apoſtle, or that Ordinances are for carnal Chriſtians, or for Babes in Chriſt, and not for ſpiritual or illuminated perſons, or upon any other ſuch like groundleſs conceit; every ſuch perſon who ſhall be found culpable herein, after due means of conviction, ſhall forfeit to the publick Treaſury, forty ſhillings for every month, ſo long as he ſhall continue in that his obſtinacy. [*1646.*] *L. 2. p. 5.*

Diſturbers of order and peace of churches penalty.

15. *Wherever the Miniſtry of the Word is Eſtabliſhed, according to the Order of the Goſpel throughout this Juriſdiction;*

Every perſon ſhall duely reſort and attend thereunto reſpectively on the Lords dayes, and upon ſuch publick Faſt dayes, and dayes of Thankſgiving, as are to be generally obſerved by appointment of Authority. And if any perſon within this Juriſdiction ſhall without juſt and neceſſary cauſe, withdraw himſelf from the publick Miniſtry of the Word, after due means of conviction uſed, he ſhall forfeit for his abſence from every ſuch publick meeting *five ſhillings*. And all ſuch offences may be heard and determined from time to time, by any one or more Magiſtrates. [*1646.*]

Abſence from Meeting

16. *To the end there may be convenient Habitations for the Miniſters of the Word;*

It is Ordered, that the Inhabitants of every Town, ſhall take care to provide the ſame, either by hiring ſome convenient Houſe, for the uſe of the preſent Miniſter, or by compounding with him, allowing him a competent and reaſonable ſum to provide for himſelf, ſo long as he ſhall continue with them, or by building or purchaſing an houſe for the Miniſter and his ſucceſſors in the Miniſtry, as the major part of the ſaid Inhabitants ſhall agree. And the particular ſums aſſeſſed upon each perſon by a juſt Rate, ſhall be collected and levyed as other Town Rates.

Miniſters houſes how to be provided for

17. *That there may be a ſettled and incouraging maintenance of Miniſters in all Towns and Congregations within this Juriſdiction.* *A. 54. p. 6.*

It is Ordered, that the County Court in every Shire, ſhall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what maintenance ſhall be allowed to the Miniſter of the place, and ſhall iſſue out warrants to the Select men to aſſeſs the Inhabitants, which the Conſtable of the ſaid Town ſhall collect and levy as other Town Rates. And it is hereby Declared to be our intention that an honourable allowance be made to the Miniſter, reſpecting the ability of the place, and

Proviſion for Miniſters maintenance

if any Town ſhall finde themſelves burdened by the Aſſeſsments of the County Court, they may complain to the Court, which will at all times be ready to give juſt releaſe to all men. [*1654.*]

IT being the great duty of this Court, to provide that all Places and People within our Gates be ſupplied of an able and faithful Miniſter of Gods Holy Word;

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their reſpective precincts, do diligently and carefully attend the execution of ſuch Orders of this Court, as concerns the maintenance of the Miniſtry, and the purging of their Towns and Peculiars from ſuch Miniſtry and publick preachers as ſhall be found vicious in their lives, or perniciouſly Hetrodox in their Doctrine; and for all places deſtitute of an able and faithful Miniſtry, that they uſe their beſt endeavour for the procuring and ſetling of ſuch faithfull Labourers in Gods Vineyard, and that the charges of their procuring, and ſetling, be levyed on the Inhabitants, as the Law for maintenance of Miniſters directs; and that for the future there may be no neglect hereof: the Preſidents of each County Court, ſhall duely from time to time give it in charge to the Grand-juries of their reſpective Courts, to preſent all abuſes and neglects of this kinde, and that with all care and diligence the ſame be redreſſed, that ſo the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may ſtill delight in us, to continue his favourable preſence with us, and our unparaleld enjoyments both temporal and ſpiritual, which through the rich mercy of God in Chriſt hitherto we have enjoyed, and not be provoked through our prophane ſlightings and deſpiſing thereof, to bereave us and our poſterities of ſuch choice Mercies. [*1660.*]

Provision for an able Miniſtry.

WHereas the Chriſtian Magiſtrate is bound by the Word of God to preſerve the Peace, Order or Liberty of the Churches of Chriſt, and by all due means to promote Religion in Doctrine and Diſcipline, according to the Word of God; and whereas by our Law, tit. Eccleſiaſtical, Sect. 4.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious, and Orthodox: For the better explanation of the ſaid Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, ſuch as are in full Communon only; and that the teaching Officer or Officers of ſuch Church or Churches, we do intend ſhall be the Miniſter or Miniſters to all the People in that Town where ſuch Church or Churches are planted; and that no Inhabitant in any Town ſhall challenge a right unto, or act in the Calling or Election of ſuch Officer or Miniſter, until he be in full communion, upon the penalty of being accounted a diſturber of peace and order, and to be puniſhed by the Court of that Shire, either by Admonition, Security for the good Behaviour, Fine, or Imprisonment, according to the quality and degre of the offence.

Choice of Church Officers.

ELECTIONS.

IT is Ordered by this Court and the Authority thereof, that for the yearly chuſing of Aſſiſtants, the Freemen ſhall uſe Indian Corn and Beans, the Indian Corn to manifeſt Election, the Beans contrary; and if any Freeman ſhall put in more then one Indian Corn or Bean, for the choice or refuſal of any publick Officer, he ſhall forfeit for every ſuch offence, *ten pounds*, and that any man that is not free, or hath not liberty of voting, putting in any vote, ſhall forfeit the like ſum of *ten pounds*. [*1643.*]

Election by Indian Corn and Beans.

None but Freemen to put in votes.

2. *For the preventing many inconveniences, that otherwiſe may ariſe upon the yearly day of Election, and that the work of that day may be the more orderly, eaſily and ſpeedily iſſued*;

It is Ordered by this Court and the Authority thereof; that the Freemen of this Juriſdiction, which ſhall not perſonally appear at *Boſton*, to give in their votes on the day of Election, ſhall and may in their ſeveral Towns, from time to time give in their votes for Elections, before their Deputy and the Conſtable, who ſhall take them and Seal them up in diſtinct papers, and ſend them to the Court of Elections, all the Aſſiſtants to be choſen by Indian Corn and Beans, as aboveſaid.

Elect by pyotes ſent, ſealed up

The Governour, Deputy Governour, Major General, Treaſurer, Secretary, and Commiſſioners of the United Colonies, by wrighting the names of the perſons Elected, in papers open, or once foulded, not twiſted nor rowled up, that they may be the ſooner peruſed. And ſuch ſmall villages as ſend no Deputies, the Conſtable thereof, with two or three of the chief Freemen ſhall receive the votes of the reſt of the Freemen, and deliver them together with their own ſealed up, to the Deputy of the next Town, who ſhall careſully convey the ſame unto the ſaid Court of Election. [*1647.*]

Elect o Governe. by papers

3. *Foraſmuch as the choice of Aſſiſtants or Magiſtrates yearly, is of great concernment, and with all care and circumſpection to be attended*; L.2. p. 10.

It is Ordered by this Court and the Authority thereof, that the Conſtables of every Town within this Juriſdtction, ſhall call together all their Freemen ſome day in the ſecond week of the firſt Month yearly to give in their votes in diſtinct papers for ſuch perſons (being Freemen and reſident within this Juriſdiction, as well the Magiſtrates in preſent being as others) whom they deſire to have choſen for Magiſtrates or Aſſiſtants at the next Court of Election, not exceeding the number of eighteen, and no Freeman ſhall put in above one vote for one perſon, under the penalty of *ten pounds* for every offence. *A. 52. p. 15.*

Nomination of Magiſtrates in Towns.

And the ſaid Freemen (ſo met together) or the major part of them, ſhall then and there appoint one to carry their votes ſealed up unto their Shire Towns, upon the laſt fourth day of the week in the firſt Month following, at twelve of the clock from time to time, which perſons for each Town ſo aſſembled, ſhall appoint one of themſeves as a Commiſſioner of each Shire, to carry them to *Boſton* the ſecond third day of the ſecond Month, there to be opened and peruſed in the preſence of one or two Magiſtrates (if they be in Town) if otherwiſe, by thoſe perſons that brought *A. 56.*

Votes to be ſent to the Shire Town.

brought them at the Court Houſe in *Boſton*, or ſuch other place as the Commiſſioner of *Suffolk* ſhall appoint; and thoſe eighteen that have moſt Votes, ſhall be the men (and they only) which ſhall be nominated at the Court of Election for Magiſtrates or Aſſiſtants as aforeſaid, and the ſaid Commiſſioner of each Shire, ſhall forthwith ſignifie to the Conſtable of the ſeveral Towns within their County, in wrighting under their hands, the names of thoſe eighteen perſons aforeſaid, all which the Conſtable in each Town ſhall timely ſignific to their Freemen. And as any have more Votes then other, ſo ſhall they be nominated for Election, except ſuch of the eighteen who were Magiſtrates the year before, who ſhall have precedency of all others in nomination on the day of Election. And if any perſon be truſted in this Order, ſhall fail in the diſcharge of their truſt, ſhall forfeit *ten pounds*. [*1649.*]

Commiſſioner of the Shire to return the names of the perſons nominated to the Conſtables

Old Magiſtrates to be firſt put to Election.

4. It is Declared by this Court, to be the conſtant liberty of the Freemen of this Juriſdiction, to chuſe yearly at the Court of Election out of the Freemen, all the General Officers of this Juriſdiction, and if they pleaſe to diſcharge them at the Court of Election, by way of Vote, they may do it without ſhewing cauſe; but if at any other General Court, we hold it due Juſtice that the reaſon thereof be alleadged and proved. By General Officers we mean our *Governour, Deputy Governour, Aſſiſtants, Treaſurer, Major General, Admiral at Sea, Commiſſioners for the United Colonies, Secretary of the General Court*, and ſuch others as are, or hereafter may be of like General nature. [*1641.*]

Freemen to chuſe all general Officers

WHereas it is found by experience, that there are many who are Inhabitants of this Juriſdiction, who are Enemies to all Government, Civil and Eccleſiaſtical, who will not yield Obedience to Authority, but make it much of their Religion to be in oppoſition thereto, and refuſe to bear Arms under others, who notwithſtanding combine together in ſome Towns, and make Partis ſuitable to their deſignes, in Election of ſueh perſons according to their ends;

It is therefore Ordered by this Court and the Authority thereof, that all perſons, *Quakers* or others, which refuſe to attend upon the publick Worſhip of God here Eſtabliſhed; that all ſuch perſons whether Freemen or others, acting as aforeſaid, ſhall, and hereby are made uncapable of Voting in all civil Aſſemblies during their obſtinate perſiſting in ſuch wicked wayes and courſes, and until certificate be given of their Reformation.

Perſons exempt from voting in Elections

And it is further Ordered, that all thoſe Fines and Mulcts of any ſuch Delinquents as aforeſaid, which are not gathered nor paid to the ſeveral Treaſurers of the Counties, as alſo what Fines ſhall be laid on them for the future, ſhall be delivered by the Order of the County-Treaſurers reſpectively to the Select men of the ſeveral Towns whereunto they belong, to be by them improved for the poor of the Town.

ESCHEATS.

IT is Ordered by this Court and the Authority thereof, that where no Heir or owner of Houſes, Lands, Tenements, Goods or Chattels can be found, they ſhall be ſeized to the publick Treaſury, till ſuch Heirs or Owners ſhall make due claim thereto, unto whom they ſhall be reſtored upon juſt and reaſonable tearms. [*1646.*]

FARMS.

IT is Ordered by this Court and the Authority thereof, that all farms which are within the bounds of any Town, ſhall henceforth be of the ſame Town, in which they lye, except *Meadford.* [*1641.*]

Faires and Markets.

IT is Ordered by the Authority of this Court, that there ſhall henceforth be a Market kept at *Boſton* in the County of *Suffolk*, upon the fifth day of the week from time to time. *Boſton.*

And at *Salem* in the County of *Eſſex*, upon the fourth day of the week from time to time. *Salem.*

And at *Lyn* on the third day of the week from time to time. *Lyn.*

And at *Charlſtown* in the County of *Middleſex* upon the ſixth day of the week from time to time. *Charlstown.*

It is alſo Ordered and hereby Graunted to *Boſton* aforeſaid, to have two *Fairs* in a year; on the firſt third day of the third Month, and on the firſt third day of the eighth Month, from year to year to continue for two or three dayes together.

Alſo to *Salem* aforeſaid, to have two *Fairs* in a year, on the laſt fourth day of the third Month, and the laſt fourth day of the ſeaventh Month from year to year. *L.2.p.p.*

Alſo to *Watertown*, in the County of *Middleſex*, two *Fairs* in a year, on the firſt ſixth day of the fourth Month, and the firſt ſixth day of the ſeaventh Month. *Watertown.*

Alſo to *Dorcheſter*, in the County of *Suffolk*, two *Fairs* in a year, on the fourth third day of the firſt Month, and the laſt fourth day of the eighth Month, from year to year. [*1633, 34, 36, 38, 48.*]

FERRIES.

FOR ſettling all common Ferries in a right courſe, both for the Paſſengers and Owners;

Men may paſs Ferries in their own Boats

It is Ordered by this Court and the Authority thereof, That whoſoever hath a Ferry granted upon any paſſage, ſhall have the ſole liberty for tranſporting Paſſengers, from the place where ſuch Ferry is granted, to any other Ferry place, where Ferry Boats uſe to land; and any Ferry Boat that ſhall land Paſſengers at any other Ferry, may not take Paſſengers from thence, if the Ferry Boat of that place be ready; Provided this Order ſhall not prejudice the liberty of any that do uſe to paſs in their own or neighbours *Cannoos* or *Boats* to their ordinary labour or buſineſs. *L. 2. p. 7.*

Ferry men not to carry in cannoos

But no Ferry man ſhall carry over the water any Paſſengers in a *Cannoo*, but in caſe of neceſſity, and upon his own deſire, under the pain of forfeiture of the *Cannoo* or the value thereof to the Treaſury.

And at *Weymouth* Ferry, every ſingle perſon ſhall pay for his Paſſage two pence.

And all Ferry men are allowed to take double pay at all common Ferries after day light is done, and thoſe that make not preſent pay, being required, ſhall give their names in wrighting, or a pawn to the Ferry men, or elſe he may complain of any ſuch to a Magiſtrate for ſatisfaction.

Magiſtrates and Deputies ao paſs free

And it is Ordered, that all Magiſtrates, and ſuch as are, or from time to time ſhall be choſen Deputies of the General Court, with their neceſſary attendance, *viz.* a Man and a Horſe at all times, during the time of their being Magiſtrates or Deputies (but not their Families) ſhall be Paſſage-free over all Ferries, that pay no Rent to the Country.

2. *And for the preventing of danger in the Paſſing at Common Ferries*;

None to enter the Ferry boat without leave of the Ferry men Magiſtrates, Deputies or Elders

It is Ordered, That no perſon ſhall preſs or enter into a Ferry Boat contrary to the Will of the Ferry man, or of the moſt of the Paſſengers firſt entred upon pain of *ten ſhillings* for every ſuch attempt.

And that every Ferry man that ſhall permit or allow any perſon to come into his Boat, againſt the will of any of the Magiſtrates or Deputies, or any of the Elders ſhipped in ſuch Boat, or the greater part of the Paſſengers in the ſaid Boat, ſhall forfeit for every perſon ſo admitted or received, againſt ſuch their will ſo declared, the ſum of *twenty ſhillings*.

And it ſhall be in the power of any of the Ferry men, to keep out, or put out of his Boat, any perſon that ſhall preſs, enter into, or ſtay in any ſuch Ferry Boat, contrary to this Order.

Men paſs as they come except publick perſons.

And it is further Ordered, that all perſons ſhall be received into ſuch Ferry Boats according to their comeing firſt or laſt, only all publick perſons, or ſuch as go upon publick or urgent occaſions, as *Phyſitians, Chyrurgeons* and *Midwives*, and ſuch other as are called to Womens Labours, ſuch ſhall be tranſported with the firſt. [*1641, 44, 46, 47.*]

Fineſt

FINES.

IT is Ordered by this Court and Authority thereof, that every Offender fined for the breach of any Penal Law, ſhall forthwith pay his or their Fine or Penalty, or give ſecurity ſpeedily to do it, or be impriſoned, or kept to work till it be paid, unleſs the Court or Judge that impoſed the Fine, ſee cauſe to reſpite the ſame; And in all Courts, where any Fine or Fines or other Sums of Money ſhall be aſſeſſed or received; And alſo when any Magiſtrate or Commiſſioner, ſhall aſſeſs any Fines, or receive any Sum, for the uſe of the Country, by virtue of any pecial Order, the *Secretary* or *Clerk* of each Court, and every ſuch Magiſtrate and Commiſſioner, ſhall within fourteen dayes, end a Tranſcript or Note of the ſaid Fines and other dues to the Treaſurer of the Country or County to whom it doth belong, who ſhall forthwith give warrant to the Marſhal to collect and levy the ſame: And if no goods can be found to ſatisfie ſuch Fine or other dues, the Marſhall ſhall Attach the Body of ſuch perſons, and impriſon them till ſatisfaction be made; Provided that any Court of Aſſiſtants or County Court, may diſcharge any ſuch perſon from impriſonment, if they be unable to make ſatisfaction. [*1638, 46.*]

L. 1. p. 38.

Fines to be paid preſently

L. 2. p. 7.

Clerk to return all Fines to the Treaſurer in fourteen dayes

L. 1. p. 22.

Marſhal to Attach the body where Goods are not, &c.

Firing and Burning.

IT is Ordered by this Court and Authority thereof, that whoſoever ſhall kindle any Fires in the Woods, or Grounds lying in Common, or incloſed, ſo as the ſame ſhall run into Corn grounds or Incloſures before the tenth day of the firſt Month, or after the laſt of the ſecond Month, or on the laſt day of the Week, or on the Lords day, ſhall pay all damages, and half ſo much for a Fine, or if not able to pay, then to be Corporally puniſhed, by warrant from one Magiſtrate, or the next County Court, as the offence ſhall deſerve, not exceeding *twenty ſtripes* for one offence. Provided that any man may kindle fire in his own ground ſo as no danger come thereby, either to the Country or to any particular perſon; and whoſoever ſhall wittingly and willingly burn or deſtroy any Frame, Timber, Hewed, Sawen or Riven Heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, he ſhall pay double damages.

Firing of ground when lawful, when forbidden.

2. *Whereas ſome dwelling Houſes, and other Houſes within this Juriſdiction, have been ſet on Fire, and the means or occaſion thereof not diſcovered, though ſome perſons have been vehemently ſuſpected to have been Inſtrumental therein: The Court taking into conſideration the danger of ſuch a wicked practiſe, eſpecially in Towns where the Houſes are near adjoyning, and there being no Law yet provided for the puniſhment of ſo heinous a crime;*

A. 52. p. 11.

Doth therefore hereby Order, and be it Enacted by the Authority of

this Court, that any perſon or perſons whatſoever, of the age of ſixteen years and upward, that ſhall after the publication hereof, wittingly and willingly ſet on fire any *Barn, Stable, Mill, out Houſe, Stack of Wood, Corn or Hay*, or any other thing of like nature, ſhall upon due conviction by teſtimony or confeſſion, pay double damages to the party damnified, and be ſeverely whipt.

Burning Houſes. And if any perſon of the age aforeſaid, ſhall after the publication hereof, wittingly, and willingly, and felloniouſly, ſet on fire any *Dwelling Houſe, Meeting Houſe, Store Houſe*, or ſhall in like manner, ſet on fire any *out-Houſe, Barn, Stable, Leanto, Stack of Hay, Corn or Wood*, or any thing of like nature, whereby any *Dwelling Houſe, Meeting Houſe or Store Houſe*, cometh to be burnt, the party or parties vehemently ſuſpected thereof, ſhall be apprehended by Warrant from one or more of the Magiſtrates, and committed to Priſon, there to remain without Baile, till the next Court of Aſſiſtants, who upon legal conviction by due proof, or confeſſion of the Crime, ſhall adjudge ſuch perſon or perſons to be put to death, and to forfeit ſo much of his Lands, Goods or Chattels, as ſhall make full ſatisfaction, to the party or parties damnified. [*1652.*]

Capital.

Fiſh. Fiſhermen.

WHereas *it hath been a cuſtome for forreign Fiſhermen to make uſe of ſuch Harbours and Grounds in this Country, as have not been Inhabited by Engliſh men; and to take Timber and Wood at their pleaſure for all their occaſions, yet in theſe parts which are now poſſeſſed, and the Lands diſpoſed in proprieties, unto ſeveral Towns and Perſons, by the Kings Graunt, under the great Seal of England*;

Repealed. pag. J. 1661. It is Declared; That it is not Lawfull for any Perſon, either Fiſher-man or other, either Forreigner or of this Country, to enter upon the Lands ſo appropriate to any Town or Perſon, or to take Wood or Timber in any ſuch place, without the Licence of ſuch Town or Proprietor, and if any perſon ſhall Treſpaſs herein, the Town or Proprietor ſo injured, may take their remedy by action at Law, or may preſerve their goods or other intereſt, by oppoſing Lawfull force againſt ſuch unjuſt violence; Provided that it ſhall be lawfull for ſuch Fiſhe men as ſhall be imployed by any Inhabitants of this Juriſdiction, in the ſeveral ſeaſons of the year, to make uſe of any of our Harbours, and ſuch Lands as are near adjoyning for the drying of their Fiſh or other needful occaſions, as alſo to have ſuch Timber and Fire wood, as they ſhall have neceſſary uſe of for their Fiſhing-ſeaſons where it may be ſpared, ſo as they make due ſatisfaction for the ſame to ſuch Town or Proprietor. [*1646.*]

2. *Whereas much Damage hath ariſen to Merchants trading hence, by bad making of Fiſh, and the credit of our Trade therein hath much ſuffered*;

A. 52. p. 9, 10. It is therefore Ordered, That at every fiſhing place within this Juriſdiction, ſome diſcreet and honeſt perſon be appointed by the County Court, unto which ſuch Fiſhing place doth belong, and thoſe perſons ſo nominated and

and appointed, are by this Court impowred to give Oath unto ſuch perſons as ſhall be choſen by the deliverers and receivers of any Fiſh, who have liberty hereby, either of them, to chuſe one or more ſufficient knowing men in ſuch caſes, to view what Fiſh is delivered and received; which viewers ſhall be ſworn as aforeſaid, and what they approve of as Merchantable, the receiver ſhall accept, and what is Refuſe Fiſh ſhall be caſt by, and the ſaid viewers for their labour and pains aforeſaid, ſhall be allowed *one penny per Quintal* for ſo much Merchantable Fiſh as he or they ſhall view, to be paid one half by the deliverer, and the other half by the receiver:

Sworn viewers of Fiſh at all Fiſhing places

And for further direction to the viewers in tryal of Fiſh;

It is hereby Ordered, That all Sun burnt, ſalt burnt and Dry Fiſh, that hath been firſt pickled, ſhall be judged un-Merchantable.

FOr the Explanation of an Order bearing date, *1646.* and the Repealing of the ſame, *1667* For giving a liberty to Fiſhermen, according to a Reſervation in the Patent, to cut down Wood for Flakes or Stage and other uſes about their Fiſhing imploy, that it is intended only in that Order to give liberty to ſuch as are Strangers, and come only to make Fiſhing Voyages, and not to Fiſhermen that are Inhabitants, who are not to treſpaſs upon any perſon in their propriety, but are liable to make ſatisfaction with damages as in any other Action of Tre paſs, no way reſtraining Fiſhermen in Common Lands, any Law, Cuſtome or Uſage to the contrary notwithſtanding.

Fiſhermens liberty to cut flakes regulated

IT is Ordered by this Court and the Authority thereof, that no man ſhall henceforth kill any Cod fiſh, Hake, Haddock or Pollock, to be dried for ſale in the Month of *December* or *January*, becauſe of their ſpawning time, nor any Mackrell to Barrel up in the Month of *May* or *June*, under penalty of paying *five ſhillings* for each Quintal of Fiſh, and *Five ſhillings* for each Barrel of Mackrell; nor ſhall any Fiſhe man caſt the Garbage of the Fiſh the catch over board at or near the Ledges or Grounds where they take the Fiſh; nor ſhall any of the Boats crew refuſe or neglect to obey the Order of the Maſter of the Veſſel to which they belong, for the times and ſeaſons of Fiſhing; nor ſhall they take or drink any more Strong Liquors then the Maſter thinks meet to permit them: the breach of theſe three laſt being under the penalty of *Twenty ſhillings* for the firſt Offence; for the ſecond *forty ſhillings*; for the third *three Months Impriſonment*, one third part of the aforeſaid Fines to the Informer proving the ſame. [*1668.*]

No Fiſh to be killd when they go to Spawn.

THis Court being informed, that the taking of Mackrel at unſeaſonable times do greatly diminiſh their increaſe, and will in the iſſue tend to the ſpoil of the Trade thereof;

To prevent damage by unſeaſonable killing of Mackrel.

Do Order and Enact, That henceforth no *Mackrell* ſhall be caught, except for ſpending whilſt freſh, before the firſt of *July* annually, on penalty of the loſs of the ſame; the one half to the Informer, and the other half to the uſe of the Country. And any Magiſtrate or County Court is impowred to act herein to all intents and purpoſes, for the execution of this Law.

To prevent damage by ſalting Fiſh with *Turtooda's* ſalt.

WHereas by the bleſſing of God, the Trade of Fiſhing hath been advantagious to this Country, which is like to be much impaired by the uſe of Turtooda s *Salt, which leaves ſpots upon the Fiſh, by reaſon of Shells and Traſh in it : For prevention thereof*;

This Court doth Order, and be it hereby Enacted, That all ſuch Fiſh that is ſalted with *Turtooda's* Salt, and thereby ſpotted as aboveſaid, ſhall not be accounted for Merchantable Fiſh: and all ſworn Cullers of Fiſh are hereby required to have ſpecial regard to the fulfilling of this Order, any Law or Cuſtome to the contrary notwithſtanding.

FORGERY.

IT is Ordered by this Court and the Authority thereof, That if any perſon ſhall forge any Deed or Conveyance, Teſtament, Bond, Bill, Releaſe, Acquittance, Letter of Attorney, or any Writeing, to pervert Equity and Juſtice; he ſhall ſtand in the Pillory, three ſeveral Lecture dayes, and render double damages to the party wronged, and alſo be diſabled to give any Evidence or Verdict to any Court or Magiſtrate. [*1646.*]

FORNICATION.

IT is Ordered by this Court and the Authority thereof; That if any man Commit Fornication with any ſingle Woman, they ſhall be puniſhed, either by enjoyning Marriage, or Fine, or Corporal puniſhment, or all, or any of theſe, as the Judges of the Court that hath Cognizance of the Cauſe ſhall appoint. [*1642.*]

THere being a ſeeming contradiction between the Laws tit. *Fornication, and* tit. *Puniſhment*;

This Court doth Declare, That the former referring to a particular Crime, a ſhameful Sin, much increaſing amongſt us, to the great diſhonour of

of God, and our profeſſion of his Holy Name, the puniſhment of that Sin ſhall be as is preſcribed in the ſaid Law, any thing that may ſeem to reſtrain or limit the ſame, contained in the other Law, *viz.* Puniſhment, notwithſtanding, And in caſe any perſon legally convicted of that or any other ſhameful and vicious Crime, be a Freeman; it ſhall be in the liberty and power of the Court that hath the proper cognizance thereof, beſides any other Penalty or Puniſhment, to adde Diſfranchiſement thereto. [*1665.*]

WHereas there is a Law provided by this Court for puniſhing of Fornicators, but nothing as yet for the eaſing of Towns, where Baſtards are born, in regard of the poverty of the Parent or Parents of ſuch Children ſometimes appearing, nor any Rule held forth touching the reputed Father of a Baſtard for legal conviction;

It is therefore Ordered, and by this Court Declared, that where any man is legally convicted to be the Father of a Baſtard childe, he ſhall be at the care and charge to maintain and bring up the ſame, by ſuch Aſſiſtance of the Mother as nature requireth, and as the Court from time to time (according to circumſtances) ſhall ſee meet to Order: and in caſe the Father of a Baſtard, by confeſſion or other manifeſt proof, upon trial of the caſe, do not appear to the Courts ſatisfaction, then the Man charged by the Woman to be the Father, ſhee holding conſtant in it, (eſpecially being put upon the real diſcovery of the truth of it in the time of her Travail) ſhall be the reputed Father, and accordingly be liable to the charge of maintenance as aforeſaid (though not to other puniſhment) notwithſtanding his denial, unleſs the circumſtances of the Caſe and Pleas be ſuch, on the behalf of the Man charged, as that the Court that hath the cognizance thereof ſhall ſee reaſon to acquit him, and otherwiſe diſpoſe of the Childe and Education thereof; Provided alwayes, in caſe there be no perſon accuſed in the time of her Travail, it ſhall not be available to abate the conviction of a reputed Father; any Law, Cuſtome or Uſage to the contrary notwithſtanding.

The reputed Father of a Baſtard to maintain it.

Freemen. Non Freemen.

TO the end the Body of the Freemen may be preſerved of honeſt and good men; *L. 2. p. 6.*

It is Ordered, That henceforth no man ſhall be admitted to the Freedome of this Common-wealth, but ſuch as are Members of ſome of the Churches within the limits of this Juriſdiction;

None but Church-members to be Freemen.

And whereas many Members of Churches to exempt themſelves from publick ſervice, will not come in to be made Freemen;

It is Ordered, that no Members of Churches within this Juriſdiction, ſhall be exempt from any publick ſervice they ſhall be choſen to by the Inhabitants of the ſeveral Towns, as Conſtables, Jurors, Select men, Surveighors of the High-wayes, and if any ſuch perſon ſhall refuſe to ſerve in, or take upon him any ſuch Office, being legally choſen thereunto, he

ſhall pay for every ſuch refuſal, such fine as the Town ſhall impoſe, not exceeding *twenty ſhillings* for one offence. [*1647.*]

Repealed. *THis Court having conſidered of the propoſals preſented to this Court by ſeveral of the Inhabitants of the County of Middleſex*;

Do Declare and Order, That no Man whoſoever, ſhall be admitted to the Freedome of this Body Politick, but ſuch as are Members of ſome Church of Chriſt and in full Communion, which they declare to be the true intent of the ancient Law, *page the eighth of the ſecond Book*, Anno. *1631.* [*1660.*]

IN Anſwer to that part of his Majeſties Letter of June *28. 1662. concerning admiſſion of Freemen*;

Admiſſion of Freemen. This Court doth Declare, That the Law prohibiting all perſons, except Members of Churches, and that alſo for allowance of them in any County Court, are hereby Repealed.

And do alſo Order and Enact, That from henceforth all Engliſh men, preſenting a Certificate under the hands of the Miniſters or Miniſter of the place where they dwell, that they are Orthodox in Religion, and not vicious in their lives, and alſo a Certificate under the hands of the Select Men of the place, or of the major part of them, that they are Free holders, and are for their own proper eſtate (without heads of perſons) rateable to the Country in a ſingle Country Rate, after the uſual manner of valuation in the place where they live, to the full value of *ten ſhillings*, or that they are in full Communion with ſome Church among us; It ſhall be in the liberty of all and every ſuch perſon or perſons, being twenty four years of age, Houſe-holders and ſettled Inhabitants in this Juriſdiction, from time to time to preſent themſelves and their deſires to this Court for their admittance to the Freedome of this Common-wealth, and ſhall be allowed the priviledges to have ſuch their deſire propounded, and put to vote in the General Court, for acceptance to the Freedome of the Body politick, by the ſufferage of the major part, according to the Rules of our Patent. [*1664.*]

FOraſmuch as ſeveral perſons who from time to time are to be made Freemen live remote, and are not able without great Trouble and charge to appear before this Court, to take their reſpective Oathes;

County Court to give the Oath of Freedome It is therefore Ordered, that henceforth it ſhall be in the power of any County Court to Adminiſter the Oath of Freedome to any perſons approved of by the General Court, who ſhall deſire the ſame, Any Law or Cuſtome to the contrary notwithſtanding. [*1664.*]

Galloping

Galloping in Boſton ſtreets.

WHereas it appears, that notwithſtanding ſuch wholſome Orders as have been hitherunto made by the Select men of Boſton, *provided for the reſtraint of all perſons from violent Riding in the ſtreets of the ſaid Town: yet nevertheleſs, many take the liberty and boldneſs to Gallop frequently therein, to the great endangering the Bodies and Limbs of many Perſons eſpecially Children, who are ordinarily abroad in the ſtreets, and not of age or diſcretion ſuddenly to eſcape ſuch danger. This Court having ſeriouſly conſidered the Premiſes, being careful to prevent a practiſe that is like to be of ſuch dangerous conſequence;*

Penalty for Galloping in Boſton ſtreets

Do Order, That no perſon whatſoever, ſhall after the publication hereof, Gallop any Horſe within any the ſtreets of the ſaid Town, upon penalty of forfeiting *three ſhillings and four pence* for every ſuch offence, upon conviction before any one Magiſtrate or Commiſſioner of *Boſton*, to be paid to the Treaſury of the County of *Suffolk*, unleſs it appear on extream neceſſity.

Gaming and Dancing.

L. 2. p. 8.

UPon complaint of the diſorders, by the uſe of the Games of Shuffle-board and Bowling, in and about Houſes of Common-entertainment, whereby much precious time is ſpent unprofitably, and much waſte of Wine and Beer occaſioned;

No Gaming in Ordinaries.

It is Ordered by this Court and the Authority thereof, That no perſon ſhall henceforth uſe the ſaid Games of Shuffle board, or Bowling, or any other Play or Game, in or about any ſuch Houſe.

Nor in any other Houſe uſed as common for ſuch purpoſe, upon pain for every keeper of ſuch Houſe to forfeit for every ſuch offence *twenty ſhillings*, and every perſon playing at the ſaid Game, &c. in or about any ſuch Houſe, ſhall forfeit for every ſuch offence *five ſhillings*.

No Gaming for money.

Nor ſhall any perſon at any time Play or Game for any Money or Money worth, upon penalty of forfeiting treble the value thereof, one half to the party informing and the other half to the Treaſury; nor ſhall any perſon be an Abettor to any kinde of Gaming on the like penalty.

No Dancing in Ordinaries.

Nor ſhall there be any Dancing in Ordinaries upon any occaſion, on the penalty of *five ſhillings* for every perſon that ſhall offend; and any Magiſtrate may hear and determine any offence againſt this Law. [*1646, 47, 51.*]

A. 5. 1. p. 3.

For preventing diſorders ariſing in ſeveral places within this Juriſdiction, by reaſon of ſome ſtill obſerving ſuch Feſtivals, as were Superſtitiouſly kept in other Countries, to the great diſhonour of God and offence of others;

It is therefore Ordered by this Court and the Authority thereof, that

Penalty for keeping Chriſtmas

whoſoever ſhall be found obſerving any ſuch day as Chriſtmas or the like, either by forbearing labour, feaſting, or any other way upon any ſuch account as aforeſaid, every ſuch perſon ſo offending, ſhall pay for every ſuch offence *five ſhillings* as a fine to the County.

And whereas not only at ſuch times but ſeveral other times alſo, it is a cuſtome too frequent in many places, to expend time in unlawful Games, as Cards Dice, &c.

penalty for playing at Cards and Dice.

It is therefore further Ordered, and by this Court Declared, That after publication hereof, whoſoever ſhall be found in any place within this Juriſdiction, playing either at Cards or at Dice, contrary to this Order, ſhall pay as a fine to the County the ſum of *five ſhillings* for every ſuch offence.

WHereas the great ſin of Gaming increaſeth within this Juriſdiction, to the great diſhonour of God, corrupting of Youth, and expend- of much precious time and eſtate: for the preventing of which, and as an addition to the Law, tit. *Gaming, &c.*

Penalty for Gaming.

This Court doth Declare, and be it Ordered by the Authority thereof, That what perſon or perſons ſoever, ſhall bring into this Juriſdiction any playing Cards or Dice, or with whomſoever ſuch Cards or Dice be found in his or their Cuſtody, he or they ſhall pay as a fine the ſum of *five pounds*, the one half to the Treaſurer, the other half to the Informer: But in caſe any ſuch Cards or Dice ſhall come into the cuſtody of any perſon without his knowledge or conſent, he ſhall carry them to the next Magiſtrate or Commiſſioner within two dayes after his knowledge of them, to diſpoſe of them as the ſaid Magiſtrate or Commiſſioner ſhall ſee cauſe, any ſuch perſon ſhall be free from the penalty.

And if any perſon that hath played or gamed, and ſhall give Information thereof, he ſhall be freed from the penalty of the Law to pay treble damage, but ſhall have no further benifit of the Law by his information.

And alſo any ſuch perſons Teſtimony ſhall be good in Law, for one Teſtimony, againſt any that ſhall break this Law.

And it is alſo Declared, that it is and ſhall be in the liberty of the Court or Judges that ſhall determine any ſuch caſe, to puniſh the tranſgreſſor or tranſgreſſors of the Law, by impoſing the fine, or otherwiſe by corporal puniſhment as they ſhall judge beſt; any Law, Uſage or Cuſtome to the contrary notwithſtanding. [*1670.*]

Hereſie Error.

ALthough no Humane power be Lord over the Faith and Conſcienees of men, yet becauſe ſuch as bring in damnable Hereſies, tending to the ſubverſion of the Chriſtian Faith, and deſtruction of the Souls of men, ought duely to be reſtrained from ſuch notorious impieties;

It

It is therefore Ordered and Declared by the Court; That if any Chriſtian within this Juriſdiction, ſhall go about to ſubvert and deſtroy the Chriſtian Faith and Religion, by broaching and maintaining any damnable Hereſies: As denying the immortality of the Soul, or reſurrection of the Body, or any ſin to be repented of in the regenerate, or any evil done by the outward man to be accounted ſin, or denying that Chriſt gave himſelf a Ranſome for our ſins, or ſhall affirm that we are not juſtified by his death and righteouſneſs, but by the perfections of our own works, or ſhall deny the Morallity of the fourth Commandment, or ſhall openly condemn or oppoſe the Baptizing of Infants, or ſhall purpoſely depart the Congregation at the adminiſtration of that Ordinance, or ſhall deny the Ordinance of Magiſtracy, or their lawful Authority, to make War, or to puniſh the outward breaches of the firſt Table, or ſhall endeavour to ſeduce others to any of the Errors or Hereſies abovementioned; every ſuch perſon continuing obſtinate therein, after due means of conviction, ſhall be ſentenced to Baniſhment. [*1646. 44.*]

Errors. *L. 1. p. 2.* Anabaptiſts. Obſtinate to be baniſhed.

2. *The Holy Scriptures of the Old and New-Teſtament, being written by the Prophets, Apoſtles, and Holy men of God, inſpired by the Holy Ghoſt, containing in them the infallible and whole Will of God, which he purpoſed to make known to Man-kinde, both for his own Worſhip and Service, and alſo for the Inſtruction, Obedience, Faith and Salvation of Man, which yet by Hereticks in former ages, and now of late, have been opugned and denied ſo to be, which tends to the overthrow of all true Religion, and Salvation, for the prevention of ſo hainous a crime*; *A. 57. p. 7. 8.*

It is Ordered by this Court and the Authority thereof; That what perſon or perſons ſoever, profeſſing the Chriſtian Religion, above the age of ſixteen years, that ſhall within this Juriſdiction, wittingly and willingly, at any time after the publication of this Order, deny either by Word or Wrighting, any of the Books of the Old Teſtament, As *Geneſis, Exodus, Leviticus, Numbers, Deuteronomy, Joſhua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Eſther, Job, Pſalms, Proverbs, Eccleſiaſtes, Canticles, Iſaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hoſea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habbakuk, Zephaniah, Haggai, Zechariah, Malachi.* Or New, as *Matthew, Mark, Luke, Iohn, Acts, Romans, Corrinthians, Corrinthians, Galathians, Epheſians, Philippians, Coloſſians, Theſſalonians, Theſſalonians, Timothy, Timothy, Titus, Philemon, Hebrews, Iames, Peter, Peter, Iohn, Iohn, Iohn, Iude, and Revelation.* To be the written and infallible Word of God.

Or if any perſon as aforeſaid, belonging to this Juriſdiction, ſhall commit the ſaid crime upon the Sea, not being or belonging to the Juriſdiction of any other Common-wealth, ſhall be forthwith apprehended by the next Officer or Officers, whether Marſhal or Conſtable or their Deputy, who ſhall have power ſo to do by warrant from any one of the Magiſtrates, and ſhall be committed to the Priſon at Boſton, without Bale or Mainprize, there to be ſafely kept till the next County Court, where upon ſufficient Teſtimony brought againſt the ſaid Delinquent, he ſhall be adjudged for his offence after legal conviction, to pay ſuch a fine as the Court which ſhall have cognizance of the crime ſhall judge meet, not exceeding the ſum of *fifty pounds*, or ſhall be openly and ſeverely whipt by the executioner, whether Conſtable or any other appointed, not exceeding *forty ſtrokes*, unleſs he ſhall publickly recant before his Sentence (which if he do) he ſhall not pay above the fine of *ten pounds* to the Treaſurer for the uſe of the Common-wealth, or be whipt in caſe he pay not the fine.

Denying the Scriptures to be the word of God. Penalty.

And it is further Ordered and Enacted, That if the ſaid Offender after his Recantation, Sentence or Execution, ſhall the ſecond time publiſh, and Obſtinately, and Pertinaciouſly maintain the ſaid wicked Opinion, he ſhall be Baniſhed or put to Death as the Court ſhall Judge. [*1651.*]

A.54.p.7.

Muggletons books to be delivered in to ſome Magiſtrate

3. It is Ordered, that all and every of the Inhabitants of this Juriſdiction, that have any of the Books in their Cuſtody, that go under the names of *John Reeves*, and *Lodowick Muggleton* (who pretends themſelves to be the two laſt Witneſſes, and Prophets of Jeſus Chriſt) which are full of Blaſphemies, and ſhall not bring or ſend in all ſuch Books in their Cuſtody to the next Magiſtrate, ſhall forfeit the ſum of *ten pounds* for every ſuch Book found in his hand, the one half to the Informer, the other half to the Country.

to be burnt.

And as many of the ſaid Books, as are, or ſhall be in Cuſtody, ſhall be burnt in the Market place at *Boſton*, on the next Lecture day, by the Common Executioner.

A.56.p.13.

Quakers

4. *Whereas there is a curſed Sect of Hereticks lately riſen up in the World, which are commonly called Quakers, who take upon them to be immediately ſent of God, and infallibly aſſiſted by the Spirit, to ſpeak and write Blaſphemous Opinions diſpiſing Government, and the Order of God in Church and Common-wealth, ſpeaking evil of Dignities, reproaching and reviling Magiſtrates and Miniſters, ſeeking to turn the People from the Faith, and gain Proſelites to their pernicious wayes. The Court conſidering the premiſes, and to prevent the like miſchief, as by their means is wrought in our Native Land*;

Not to be brought into this Juriſdiction by any Maſter of ſhip on penalty of 100 pounds

Doth hereby Order, and by the Authority of this Court be it Ordered and Enacted; That no Maſter or Commander of any Ship Barque, Pinnace, Ketch, or other Veſſel, ſhall henceforth bring into any Harbour, Creek or Cove within this Juriſdiction, any known Quaker or Quakers, or any other Blaſphemous Hereticks as aforeſaid, upon the penalty of the forfeiture of *one hundred pounds*, to be forthwith paid to the Treaſurer of the Country, except it appeareth that ſuch Maſter wanted true notice or information that they were ſuch, and in that caſe he may clear himſelf by his Oath, when ſufficient proof to the contrary is wanting.

And for default of payment of the ſaid fine of *one hundred pounds*, or good ſecurity for the ſame, ſuch Maſter ſhall be committed to priſon, by warrant from any Magiſtrate, there to continue till the ſaid fine be ſatisfied to the Treaſurer as aforeſaid.

Maſters that bring in Quakers muſt carry them back.

And the Maſter or Commander of any ſuch Ship or Veſſel that ſhall bring them, being legally convicted, ſhall give in ſufficient ſecurity to the Governour or any one or more of the Magiſtrates, to carry them back to the place whence he brought them, and on his refuſal ſo to do, the Governour or the ſaid Magiſtrate or Magiſtrates ſhall commit ſuch Maſter or Commander to priſon, there to continue till he ſhall give in ſufficient ſecurity to the content of the Governour or ſaid Magiſtrates.

A.57.p.26.

And if any perſon or perſons within this Juriſdiction, ſhall henceforth entertain and conceal any ſuch Quaker or Quakers, or other Blaſphemous Hereticks (knowing them to be ſuch) every ſuch perſon ſhall forfeit to the Country *forty ſhillings* for every hours entertainment and concealment of any Quaker or Quakers, *&c.* as aforeſaid, and ſhall be committed to priſon as aforeſaid, till the fines be fully ſatisfied and paid.

5. And

5. And every perſon or perſons, that ſhall incourage or defend any of their pernicious wayes, by ſpeaking, writeing or meeting on the Lords day, or at any other time, ſhall after due means of conviction incur the penalty inſueing, *viz.* every perſon ſo meeting, ſhall pay to the uſe of the Country, for every time *ten ſhillings*, and every one ſpeaking in ſuch meeting, ſhall forfeit *five pounds* *A. 58.* Incouragers of Quakers their penalty.

6. If any perſon ſhall knowingly import into any Harbour of this Juriſdiction, any Quakers Books or Writeings, concerning their damnable Opinions, he ſhall forfeit for every ſuch Book or Writeing *five pounds*, and whoſoever ſhall diſperſe or conceal any ſuch Book or Writeing, and it be found with him or her, or in his or her Houſe, and ſhall not immediately deliver the ſame to the next Magiſtrate, ſhall forfeit and pay *five pounds* for diſperſing or concealing every ſuch Book or Writing. Diſperſing Quakers Books penalty 5 pounds

7. And every perſon or perſons whatſoever, that ſhall revile the Office or perſon of Magiſtrates or Miniſters, as is uſual with the Quakers, ſuch perſon or perſons ſhall be ſeverely whipt, or pay the ſum of *five pounds*. Reviling of Magiſtrates or Miniſters.

8. And every perſon that ſhall publiſh and maintaine any Hetrodox or erronious Doctrine, ſhall be liable to be Queſtioned and Cenſured by the County Court where he liveth, accordnig to the merit of his Offence. *A. 53. p. 19.* Publiſhers of Errors

9. *Whereas there is a pernicious Sect, commonly called Quakers, lately ariſen, who by Word and Writeing, have publiſhed and maintained many dangerous and horrid Tenents, and do take upon them to change and alter the received laudable cuſtomes of our Nation, in giving civil reſpect to equals, or reverence to Superiours, whoſe Actions tend to undermine the Authority of Civil Government as alſo to deſtroy the Order of the Churches, by denying all eſtabliſhed forms of Worſhip, and by withdrawing from the Orderly Church Aſſemblies, allowed and approved by all Orthodox Profeſſors of the Truth; and inſtead thereof, and oppoſition thereunto, frequenting private meetings of their own, inſinuating themſelves into the minds of the ſimpler, or ſuch as are leſs affected to the Order and Government of the Church and Common-wealth, whereby divers of our Inhabitants have been infected and ſedueed, notwithſtanding all former Laws made, (upon experience of their arrogant bold obtruſions, to diſſeminate their Principles amongſt us) prohibiting their comeing into this Juriſdiction, they have not been deterred from their impetuous Attempts to undermine our peace and haſten our ruine*; *A. 56.*

For prevention thereof, This Court doth Order and Enact, that every perſon or perſons of the curſed Sect of the Quakers, who is not an Inhabitant of, but found within this Juriſdiction, ſhall be Apprehended (without Warrant, where no Magiſtrate is at hand) by any Conſtable Commiſſioner or Select Man, and conveyed from Conſtable to Conſtable until they come before the next Magiſtrate, who ſhall commit the ſaid perſon or perſons to cloſe Priſon, there to remain without Baile until the next Court of Aſſiſtants where they ſhall have a legal trial by a ſpecial Jury, and being convicted to be of the Sect of the Quakers, ſhall be ſentenced to Baniſhment upon pain of Death. Quakers to be Apprehended. Imprisoned

And that every Inhabitant of this Juriſdiction, being convicted to be of the aforeſaid Sect, either by taking up, publiſhing and defending the horrid Opinions of the *Quakers*, or by ſtirring up Mutiny, Sedition or Rebellion Baniſhed on pain of death. Qualification of Quakers

againſt the Government, or by taking up their abſurd and deſtructive practiſes, *viz.* denying civil reſpect and reverence to Equals and Superiours, withdrawing from our Church Aſſemblies, and inſtead thereof frequenting private meetings of their own, in oppoſition to Church Order, or by adhering to, or approving of any known Quakers that are oppoſite to the Orthodox received Opinions and Practiſes of the Godly, and endeavouring to diſaffect others to Civil Government and Church Order; and condemning the practiſe and proceedings of this Court againſt the Quakers, manifeſting thereby compliance with thoſe, whoſe deſign is to overthrow the Order eſtabliſhed in Church and Common-wealth: Every ſuch perſon upon examination, and legal conviction before the Court of Aſſiſtants in manner as aforeſaid, ſhall be committed to cloſe priſon for one Month, and then unleſs they chuſe voluntarily to depart the Juriſdiction, ſhall give Bond for their good Abbearance and appearance at the next Court of Aſſiſtants, where continuing obſtinate, and refuſing to retract and reform the aforeſaid Opinions and Practiſes ſhall be ſentenced to Baniſhment upon pain of Death: And in caſe of the aforeſaid voluntary departure, not to remain, or again to return into this Juriſdiction, without the allowance of the major part of the Council firſt had and publiſhed, on penalty of being Baniſhed upon pain of Death, and any one Magiſtrate, upon information given him of any ſuch perſon, ſhall cauſe them to be apprehended, and if upon examination of the caſe, he ſhall according to his beſt diſcretion finde juſt ground for ſuch complaint, he ſhall commit ſuch perſon to priſon, until he comes to his tryal as is above expreſſed. [*1646.*] *1656?*

Quakers voluntarily depart, may not return without license

One Magiſtrate may commit to priſon

THis Court being deſirous to try all means, with as much Lenity as may conſiſt with our ſafety, to prevent the Intruſions of the Quakers, who beſides their Abſurd and Blaſphemous Doctrines, do like Rogues and Vagabonds come in upon us, and have not been reſtrained by the Laws already provided;

Have Ordered, that every ſuch Vagabond Quaker, found within any part of this Juriſdiction, ſhall be Apprehended by any perſon or perſons, or by the Conſtable of the Town wherein he or ſhee is taken, and by the Conſtable or in his abſence, by any other perſon or perſons conveyed before the next Magiſtrate of that Shire wherein they are taken, or Commiſſioner inveſted with Magiſtratical power: And being by the ſaid Magiſtrate or Magiſtrates, Commiſſioner or Commiſſioners adjudged to be a wandring Quaker, *viz.* one that hath not any dwelling, or orderly allowance as an Inhabitant of this Juriſdiction, and not giving civil reſpect by the uſual geſtures thereof, or by any other way or means manifeſting himſelf to be a Quaker, ſhall by Warrant under the hand of the ſaid Magiſtrate or Magiſtrates, Commiſſioner or Commiſſioners, directed to the Conſtable of the Town wherein he or ſhee is taken, or in abſence of the Conſtable, to any other meet perſon, be ſtripped naked from the middle upwards, and tyed to a Carts tail, and whipped through the Town, and from thence immediately conveyed to the Conſtable of the next Town towards the borders of our Juriſdiction, as their Warrant ſhall direct; and ſo from Conſtable to Conſtable till they be conveyed through any the outwardmoſt Towns of our Juriſdiction.

Order againſt Quakers and Vagabond Rogues.

And if ſuch Vagabond Quaker ſhall return again, then to be in like manner Apprehended, and conveyed as often as they ſhall be found within the Limits of our Juriſdiction; Provided every ſuch wandring Quaker, having

having been thrice convicted and ſent away as abovesaid, and returning again into this Juriſdiction, ſhall be Apprehended, and Committed by any Magiſtrate or Commiſſioner as abovesaid unto the Houſe of Correction within that County wherein he or ſhee is found, until the next Court of that County; where if the Court judge not meet to releaſe them, they ſhall be Branded with the Letter *R.* on their left ſhoulder, and be ſeverely Whipt, and ſent away in manner as before.

And if after this, he or ſhee ſhall return again; then to be proceeded againſt as Incorrigible Rogues and Enemies to the Common Peace, and ſhall immediately be apprehenended, and Committed to the Common Goal of the Country, and at the next Court of Aſſiſtants ſhall be brought to their tryal, and proceeded againſt according to the Law made *Anno. 1658. pag. 36.* for their puniſhment on pain of death.

And for ſuch Quakers as ſhall ariſe from amongſt our ſelves, they ſhall be proceeded againſt as the former Law of *Anno. 1658.* pag *36.* doth provide, until they have been convicted by a Court of Aſſiſtants: and being ſo convicted, he or ſhee ſhall then be Baniſhed this Juriſdiction; and if after that they ſhall be found in any part of this Juriſdiction, then he or ſhee ſo Sentenced to Baniſhment, ſhall be proceeded againſt as thoſe that are Strangers and Vagabond Quakers, in manner as is above expreſſed.

And it is further Ordered, That whatſoever charge ſhall ariſe about Apprehending, Whipping, Conveying, or otherwiſe about the Quakers, to be laid out by the Conſtables of ſuch Towns where it is expended, and to be repaid by the Treaſurer out of the next Country Levy.

And further, that the Conſtables of the ſeveral Towns are hereby impowred from time to time, as neceſſity ſhall require, to Impreſs Cart, Oxen, and other Aſſiſtants for the Execution of this Order. [*1661.*]

THis Court heretofore, for ſome Reaſons inducing, did judge meet to ſuſpend the execution of the Laws againſt Quakers, as ſuch, ſo far as they reſpect Corporal puniſhment or Death, during the Courts pleaſure. Now foraſmuch as new complaints are made to this Court of ſuch perſons abounding, eſpecially in the Eaſtern parts, endeavouring to draw away others to that wicked Opinion;

-- It is therefore Ordered, that the laſt Law *tit.* Vagabond Quakers, *May 1661.* be henceforth in force in all reſpects; Provided that their Whipping be but through three Towns: and the Magiſtrate or Commiſſioners ſigning ſuch Warrant, ſhall appoint both the Towns, and number of Stripes in each Town to be given. [*1662.*]

Order againſt Vagabond Quakers *May* 1661. in force.

HIDES and SKINS.

WHereas ſome perſons more ſeeking their own private advantage then the good of the Publick, do Tranſport Raw Hides and Pelts;

Raw Hides not to be tranſported.

It is Ordered that henceforth no perſon ſhall deliver aboard any Ship or other Veſſel, directly or indirectly, any Raw Hide, Skin, Pelt or Leather unwrought, with intent to have the ſame tranſported out of this Juriſdiction, upon pain to forfeit the ſame or the value thereof

And that no Maſter of any Ship or Veſſel ſhall receive any Raw Hides, Skins, Pelts or Leather unwrought, directly or indirectly aboard his Ship or Veſſel to be ſo tranſported upon the like penalty.

Provided that any Perſon, Stranger or other, may tranſport any Hides or Skins brought hither from beyond the Seas by way of Merchandize, or the Skins of Bever, Moos, Bear and Otter. [*1646.*]

L. 2. p. 8.

2. *Upon Information of the neglect of many perſons, in not ſaving ſuch Hides or Skins, as either by caſualty or Slaughter come to hand, whereby, damage redounds to the Country*;

Hides and skins to be preſerved.

It is Ordered, that every Hide or Skin ſhall carefully be dryed, before it corrupt, and that ſuch Hides or Skins ſhall be ſent where they may be Tanned or Dreſſed, and whoſoever ſhall neglect to do as aforeſaid, ſhall forfeit for every ſuch Hide *five ſhillings*, and for ever Skin of Calves or ſmall Cattle *twelve pence*. [*1640, 46.*]

HIGHWAYES.

TO the end there may be convenient High-wayes for Travellers.

It is Ordered by the Authority of this Court, That all Country Highwayes ſhall be ſuch as may be moſt eaſie and ſafe for Travellers, to which purpoſe the Court of that County where ſuch High-wayes is to be made and laid out, ſhall upon complaint appoint two or three men of each next Town, whoſe Inhabitants have moſt occaſion thereof, upon view to lay out ſuch High wayes according to Order, given them by that Court, and make return of what they do therein to the next Court, Provided alwayes it occaſion not the pulling down of any Mans Houſe, or laying open any Garden or Orchard, and in Common Grounds, or where the Soyle is wet, myrie or very rocky, ſhall lay out ſuch High-wayes the wider, *viz. ſix, eight, ten* or more Rods.

Satisfaction to be given proprietor.

Provided, that if any Man be thereby damaged in his improved Ground, the Town ſhall make him reaſonable ſatisfaction, by eſtimation of thoſe that laid out the ſame: and if ſuch perſons deputed cannot agree, it ſhall be referred unto the County Court of the Shire, who ſhall have power to hear and determine the Caſe; And if any perſon finde himſelf juſtly grieved with any act or thing, done by the perſons deputed aforeſaid, he may Appeal to the County Court aforeſaid, but if he be found to complain without cauſe, he ſhall ſurely pay all charges of the parties, and Court, during that Action, and alſo be fined to the Country as the Court ſhall adjudge. [*1639.*]

Private wayes in Towns.

2. It is Ordered and Declared by this Court, That the Select Townsmen of every Town, have power to lay out (by themſelves or others) particular

particular and private wayes concerning their own Town, only ſo as no damage be done to any man without due recompence to be given by the judgement of the ſaid Select men, and one or two choſen by the ſaid Select men, and one or two choſen by the party, and if any perſon ſhall finde himſelf juſtly grieved, he may Appeal to the next County Court of that Shire, who ſhall do juſtice therein as in other Caſes. [*1642.*]

Private wayes in Towns

3. *Upon information that divers High-wayes are much annoyed and incumbred by Gates and Rails erected upon them*;

Incumbrance in High-wayes to be removed

It is Ordered by the Authority of this Court; That upon any information or complaint made to any County Court, or to any Magiſtrate of any ſuch Gates or Rails erected, or to be erected upon any Common High-way, the ſaid Court or Magiſtrate ſhall appoint a Committee of diſcreet and indifferent men to view ſuch incumbrance, and to Order the reformation thereof.

And if the parties whom it ſhall concern, ſhall not ſubmit to ſuch Orders, they ſhall require them to appear at the next Court of that Shire, and alſo ſhall certifie the incumbrance found, and Order by them made under their hands unto the ſaid Court, or appear in perſon to proſecute the cauſe, where it ſhall be heard and determined for eaſe and conveniency of Travellers, with due reſpect to the Proprietors coſt and damage, but no perſon ſhall ſtand charged with the repair of common High-wayes through his own Ground. [*1647.*]

HORSES, MARES.

IT is Ordered by this Court and Authority thereof; That no Maſter or Commander of any Ship or Barque, ſhall receive on board his Ship or Veſſel, any Horſe, Gelding or Mare, but ſuch as ſhall be entred into a Book, with the colour, particular marks and age, (as near as may be known) and perſon of whom ſuch Horſe was laſt bought, and proof by Witneſs or Oath that he was the true owner thereof, to be kept by the Clerks of the Writs in all their Towns, who are hereby Authorized to view all ſuch as ſhall be ſhipped; and for every Horſe ſo entred, there ſhall be paid to the ſaid Officers, by the Owner or Merchant of ſuch Horſe, *ſix pence* a piece. *L.2.p.11.*

Horſes to be tranſported, to be entred in a Book.

And every Commander or Maſter of any Veſſel, who ſhall take on board any other Horſe or Mare, except ſuch as he ſhall receive a Note under the hand of the ſaid Clerk, and be entred as aforeſaid, ſhall for every ſuch offence forfeit the Sum of *forty ſhillings* to the Informer and *forty ſhillings* to the Treaſury. [*1649.*]

Penalty

It is Ordered, that no perſon ſhall under any pretence ſell or any way diſpoſe any Horſe, Mare or Colt, to any Indian, upon the penalty of *one hundred pounds.* [*1655.*]

No Horſes to be ſold to Indians.

WHereas *the Breed of Horſes in the Country is utterly ſpoiled, whereby that uſeful Creature will become a burthen, which otherwiſe might be benificial, and the occaſion thereof is conceived to be through the ſmalneſs and badneſs of Stone Horſes and Colts that run in Commons and Woods*;

Order for the beſt improvment of ſtone Horſes

For prevention whereof, This Court doth Order and Enact, and be it Ordered and Enacted by the Authority hereof, That no Stone Horſe above two years old ſhall be ſuffered to go in Commons and Woods at liberty, unleſs he be of comely proportion and ſufficient ſtature, not leſs then *fourteen Hands high*, reckoning *four Inches to a Handful*, and ſuch a Horſe to be viewed and allowed by the major part of the Select men of the Town where the owner lives.

And if any perſon or perſons turn any Stone Horſe upon the Commons, or at liberty, or in the Woods, being not viewed and allowed as before, he or they ſhall forfeit *twenty ſhillings* a Month for every Stone Horſe running at liberty, after he is a *two years old*; which penalty is to be taken by Warrant of the Select Men, and imployed to the Towns uſe, and if the Select Men of any Town do neglect their duty in taking their fines, and viewing ſuch as are brought in, according to this Law, they ſhall forfeit *twenty ſhillings* to the County Treaſury; and this Law to be in force the firſt of *October* next. [*1668.*]

Idle Perſons.

WHereas *in the Law* tit. *Houſe of Correction, Idle perſons are particularly named as ſuch, as the Law intendeth ſhould be committed to that Houſe for Correction and Reformation: This Court taking notice, upon good information and ſad complaints, that there are ſome perſons in this Juriſdiction, that have Families to provide for, who greatly neglect their Callings, or miſpend what they earn, whereby their Families are in much want, and are thereby expoſed to ſuffer, and to need relief from others*;

This Court for remedy of theſe great and unſufferable evils; do Declare, that by Idle perſons (mentioned in the recited Law) ſuch neglectors of their Families, are comprehended amonſt the reſt, and that in a ſpecial manner. [*1668.*]

Conſtable to take notice of Idle perſons.

IT is Ordered, that no perſon, Houſe-holder or other, ſhall ſpend his time Idely or unprofitably, under pain of ſuch puniſhment, as the County Court ſhall think meet to inflict.

And the Conſtables of every Town are required to uſe ſpecial care to take notice of Offenders in this kinde, eſpecially of common Coaſters, unprofitable Fowlers, and Tobacco takers, and preſent the ſame to the next Magiſtrate, who is hereby impowred to hear and determine the cauſe, or transfer it to the next Court. [*1633.*]

JESUITES.

THis Court taking into conſideration the great Wars, Combuſtions and Diviſions which are this day in Europe *and that the ſame are obſerved to be raiſed and fomented, chiefly by the ſecret underminings, and ſolicitations of thoſe of the Jeſuitical Order, Men brought up and Devoted to the Religion and Court of Room, which hath occaſioned divers States to expel them their Territories, for prevention whereof among our ſelves*;

It is Ordered and Enacted by Authority of this Court, That no *Jeſuite* or *Spiritual* or *Eccleſiaſtical* perſon (as they are termed) Ordained by the Authority of the *Pope* or *See of Room*, ſhall henceforth at any time repair to, or come within this Juriſdiction: And if any perſon ſhall give juſt cauſe of ſuſpition, that he is one of ſuch Society or Order, he ſhall be brought before ſome of the Magiſtrates, and if he cannot free himſelf of ſuch ſuſpition, he ſhall be committed to Priſon, or bound over to the next Court of Aſſiſtants, to be tryed and proceeded with by Baniſhment or otherwiſe as the Court ſhall ſee cauſe. Forbidden to enter our Juriſdiction. To be Baniſhed.

And if any perſon ſo Baniſhed, be taken the ſecond time within this Juriſdiction, upon lawful tryal and conviction, he ſhall be put to Death. Provided this Law ſhall not extend to any ſuch *Jeſuite*, *Spiritual* or *Eccleſiaſtical* perſon, as ſhall be caſt upon our Shores by Ship-wrack or other Accident, ſo as he continue no longer then till he may have opportunity of Paſſage for his departure; nor to any ſuch as ſhall come in company with any Meſſenger hither upon publick occaſions, or Merchant, or Maſter of any Ship belonging to any place, not in enmity with the State of *England*, or our ſelves, ſo as they depart again with the ſame Meſſenger, Maſter or Merchant, and behave themſelves inoffenſively during their abode here. [*1647.*]

IMPOSTS.

FOR the ſupport of the Government and Maintenance of Fortification, for the protecting and ſafe guarding our Harbours for our ſelves and others that come to Trade with us;

It is Ordered by this Court and the Authority thereof, That every Perſon, Merchant, Seaman or other, that bring Wines, or Strong-waters into any of our Harbours, in any Ships or Veſſels whatſoever (except they come directly from *England* as their firſt Port) before they Land any of the ſaid Wines or Strong-waters, more or leſs, ſhall firſt make entry of as many Butts, Pipes or other Veſſels, as they or any of them ſhall put on ſhore, by a Note under their Hands delivered to the Officer than is to receive the Cuſtomes at his Houſe, upon pain of forfeiture and confiſcation of all ſuch Wines and Strong-waters as are Landed, before ſuch entry made *A. 53. p. 19.* Wines to be entred before Landed.

made, whereſoever found, the one half to the Country, the other half to the Officer, and the Merchant or owner of ſuch Wines of any kinde, or Strong waters, as ſoon as he Lands them, ſhall deliver and pay unto the ſaid Officer what is due for Cuſtome of them according to this Order, in Wine or Strong-water, according to the proportion of the goodneſs of the parcel that is brought in, as the Officer and Owner can agree, to the contentment and ſatisfaction of the ſaid Officer, but if they cannot agree, the Treaſurer for the time being ſhall Determine the price thereof.

Cuſtome to be paid upon the Landing.

Cuſtomers Depaty.

And it is further Ordered, that the chief Officer or Cuſtomer ſhall have under him a Deputy or Deputies, who ſhall be as ſearchers or waiters in ſeveral places, to take up ſuch Wines or Strong-waters by order of the ſaid chief Officer, and to take notice of what is Landed in any place of this Juriſdiction, that the Country be not defrauded, who ſhall have due recompence, as the chief Officer ſhall agree with them, and all Wines ſhall pay Cuſtome according to the Rates following:

Rates of the Cuſtom of wine.

Every Butte or Pipe of Fyall Wines, or any other Wines of the Weſtern Iſlands, *five ſhillings.*

Every Pipe of Madera wine *ſix ſhillings eight pence.*

Every Butte or Pipe of Sherry, Sack, Malaga, or Canary Wines, *ten ſhillings.*

Muſcadels, Malmſies and other Wines from the Straits, *ten ſhillings.*

Baſtards, Tents and Alligants, *ten ſhillings.*

And proportionable for greater or leſſer Veſſels of each kinde.

Every Hogſhead of French Wines *two ſhillings ſix pence.*

And every Hogſhead of Strong-waters, *ten ſhillings*, and proportionably for greater or leſſer quantities.

Cuſtomers power and duty.

2. *And for the better recovering any ſuch Cuſtomes of Wines and Strong waters, or Forfeitures, for not entring according to this Order*;

It is Ordered, that the ſaid Officer or his Deputy, hath hereby power, and is required to go into all Houſes or Cellars, where he knoweth or ſuſpecteth any Wine or Strong-waters to be, and ſhall ſeize all ſuch Wines and Strong-waters as are not entred according to this order; and alſo ſeize and take poſſeſſion of ſo much Wines and Strong waters as ſhall make payment for what Cuſtome is due, according to entries made, and is refuſed or neglected to be paid in due manner according to this Order.

Conſtables to aſſiſt the Officer

And all Conſtables and other Officers are hereby required to aſſiſt and aid the Officer in the diſcharge of his duty, and helping to break open ſuch Houſes or Cellars of the Owners of ſuch Wines or Strong-waters, as ſhall refuſe to open their doors or deliver their Keys in a peaceable manner.

Conſtables and others to aſſiſt the Cuſtomer

And any Smith, Carter, Owner of Boat, Porter or other, that ſhall be required by the Officer to help and aſſiſt in taking, loading and tranſporting ſuch Wines for the uſe of the Country, and ſhall refuſe or neglect ſuch ſervice for due hire, ſhall forfeit to the Common Treaſury, *ten ſhillings* for ſuch default, to be levyed by the Conſtable, by Warrant from any one Magiſtrate.

on penalty of ten ſhillings

And all Debts due unto the Country for Cuſtome of Wines or Strong-waters, where Wines or Strong-waters are not to be found, they ſhall be recoverable in a way of Action, according to the courſe of Law in other Caſes.

8. And

3. And it is further Orderd, That beſides the Cuſtomes of Wines or Strong-waters aforeſaid, all Merchants or Maſters of Strangers Ships, which ſhall arive with Merchandize, in any of our Harbours of *Boſton* or *Charlstown*, and ſhall make ſale thereof, or of the greater part of the ſame, ſhall pay by way of Cuſtome or Impoſition, after the Rate of *ſix pence per Tun* for every Ship, to be paid out of the ſaid Merchandize; And the Maſter of every ſuch Ship, ſhall alſo pay *ten ſhillings* towards the maintenance of our Fortifications, for the de ence of our ſaid Harbours; Provided no *Engliſh-ſhip*, or other Ship or Veſſel, Fraught in *England*, by any *Engliſh man* arriving in our ſaid Harbours, nor any Veſſel of our Confederates, or any other parts where our Sips are free of Cuſtomes, Impoſts and Taxes, ſhall pay the ſaid Cuſtome of *ſix pence per Tun* to the Officer appointed, but only towards the maintenance of the ſaid Fortifications *ten ſhillings* for every Ship above the burden of *two Hundred Tuns*, and *ſix ſhillings eight pence* for all other Veſſels and Ships under that buden. [*1645.*] *L. 2. p. 9.*

Sixpence per Tun to be paid by every ſhip.

For a ſhip of 200 Tun 10. s. For leſſer ſhips 6. 8. peece.

Impoſt on Wine and Strong Liquors.

WHereas *the General Court hath formerly for good and weighty Reaſons, laid an Impoſt upon Wines and Strong-waters Imported*;

It is thought expedient by this Court, for good cauſes and conſiderations, to ſet a Rate upon all Cyder, Mum, Ale and Beer, ſold in publick Houſes licenſed to ſell ſuch things, that is to ſay, *two ſhillings ſix pence per* Hogſhead upon all Cyder, Ale and Beer, and *five ſhillings per* Hogſhead upon all Mum, and ſo in proportion thereto, to each of them in greater or leſſer quantities.

Impoſt on Wine ſtrong Liquors

Impoſt on Ale and Beer 2. s 6 per Hogſhead

And this Court doth further Order that theſe Rates or Sums aboveſaid, be paid to the Treaſurer of the Country or to his Aſſignes in Money, by every perſon Licenſed to keep an Inne, Ordinary, or Houſe of publick entertainment, within this Juriſdiction whatſoever.

Mum 5. s. per Hogſhead

And to that end, every perſon ſo Licenſed, and ſelling, are Ordered and Required to keep a true and juſt account of what he or they ſhall ſell from time to time; and that at the end of every Month or Week, being thereto required, after the publication hereof, they ſhall preſent the ſaid account to the Treaſurer aboveſaid, upon Oath if required, or to his Aſſigne, and pay all the Money due hereby; and in caſe any of the perſons Licenſed as aboveſaid, ſhall refuſe or neglect to do what is above Ordered, upon conviction before any two Magiſtrates or Court of that County where the offence is committed, ſhall pay treble damage to the Country or forfeit his or their Licenſe, at the diſcretion of that Authority that ſhall take Cognizance thereof. [*1668.*]

FOr the better Explanation and effectual Execution of the Law, tit. *Impoſt*;

Wines & Strong Liquors imported to be entred with the Officer,

It is Ordered and Enacted by this Court and the Authority thereof, That all Wines and Strong-waters Imported into this Juriſdiction, according to that Law, be entred with the Officer in particulars, both for quantity and quality, before any of it be Landed, upon the penalty of the forfeiture of all that is Landed before it be entred.

It is Ordered that the Impoſt required by Law be paid to the Officer in Money, or the beſt of the ſpecie at Money price.

Impoſt upon all Goods and Proviſions.

THis Court taking notice of ſundry Complaints of much Inequality in the preſent way of raiſing Moneys to defray Publick Charges;

Do therefore Order, and by the Authority of this Court, be it Ordered and Enacted:

I. That all Goods, Wares, Merchandizes and Proviſions of all ſorts (excepting Fiſh, Sheeps-Wool, Cotton-wool, Salt, and ſuch other things as by former Laws are exempted, or otherwiſe provided for) which from any forreign part, or other Juriſdiction, ſhall be imported into any of our Harbours, Ports, Shores or elſewhere within this Juriſdiction, ſhall be Rated in a juſt proportion with Eſtates Rateable in the Country, *viz.* for every *twenty ſhillings* value, ſhall be paid *one penny* in Money.

II. All Goods, Wares and Merchandizes as aforeſaid, ſhall be here valued as followeth; that is, Every *Hundred pounds* at the Port or Place from whence it came, to be accounted here at *one Hundred and twenty* pounds, which *penny* per *twenty Shillings*, ſhall be paid by the Agent, Factor, Owner or other perſon by whom they are brought, or to whom they are ſent or Conſigned; and ſo according to the ſame proportion for all greater or leſſer quantities whatſoever.

III. To which end, all Goods and Proviſions as aforeſaid Imported, ſhall by the Maſter, Purſer, Boatſwain, or Skipper of each Ship or other Veſſel in which they are brought, before breaking Bulk, or Landing any of the ſaid Goods, be certified unto the Country Treaſurer or Collector by him impowred in the ſeveral Port Towns, or other places where they are brought, on penalty of forfeiture of *twenty ſhillings per* Tun, according to the burthen of the Ship or Veſſel wherein they are brought from time to time.

IV. And all and every ſuch Collector, ſhall careſully and truely enter all ſuch Goods, with their ſeveral Marks, Casks, Packs, Fardels, Truſſes, Cheſts, Trunks, Caſes, and all other things however called or diſtinguiſhed, with the Names of the perſons to whom ſuch Goods or other Things are ſent and Conſigned, or are Owners thereof, ſo far as may by any lawful means be diſcovered.

V. And

V. And all perſons to whom ſuch Goods or other things aforeſaid, are Conſigned or ſent, or are the Owners thereof, ſhall from time to time, before ſuch Goods are Landed, ſignifie the true and juſt value thereof, by ſhewing the true and perfect Invoyce thereof, unto the aforeſaid Collectors for each Port; who are hereby required to Enter the groſs Sum thereof in a Book for that purpoſe, what the ſaid Goods or other things amount unto, and ſhall forthwith demand and receive the ſeveral Rates or Aſſeſsments aforementioned, or certifie the Treaſurer, or ſuch other Collector or Receiver as is concerned therein.

VI. And in caſe of denial or delay of payment, the Collector Authorized as aforeſaid, ſhall levy the ſame by diſtreſs upon the ſaid Goods, at the Rate or price ſet in the Invoyce, out of which he ſhall have *two ſhillings per* pound for his time and labour therein: And for the more full effecting hereof, the ſaid Collector is impowred to require aid (if need be) as any Conſtable may in the like ſervice, and no man may refuſe to aſſiſt, upon the ſame penalty the Law in that caſe expreſs.

VII. If any Invoyce or Bill of Parcels ſhall be falſified, concealed, or not produced, of any Goods or other things imported as aforeſaid, it ſhall be lawful for the Treaſurer or Collector, with the Select Men of each Town therein concerned, to Rate all ſuch Goods, or the Owner, or other Agent for the ſame, by Will and Doom, according to their beſt diſcretion; Provided it be not leſs then *four pounds per Tun*, as the ſame ſtands Entred in the Bill of Lading, in the Boatſwain or other Officers Book.

VIII. It is further Ordered, in reference to all ſorts of Cattle that are brought into this Juriſdiction, to be ſold, killed or tranſported, that the Venders ſhall give a juſt and true account of all ſuch Cattle ſo brought to ſome one of the aforeſaid Officers impowred to act herein, both in reſpect of number and kinde, and the ſame ſhall be entred in a Book; and the Owners of all ſuch Cattle, or the perſon with whom they are truſted before they are ſet to ſale, killed or put on Board any Veſſel for tranſport, ſhall pay for every Head as is expreſſed in the Law *tit. Charges Publick*, upon penalty of forfeiture of any ſuch Beaſt, or the true value thereof, in whoſe hand ſoever found; the one half to the publick Treaſury, the other half to the Informer.

IX. For all other ſorts of Goods, Hides, Skins, Beaver, Peltry, Butter, Cheeſe, or other Merchandize or Proviſions brought into this Juriſdiction by Land, the Owner, Factor, Agent, or other perſon intruſted, ſhall before any ſale made, or before any putting on Board any Veſſel for tranſport, or other diſpoſal of the ſaid goods, make a juſt and true Entry thereof, as is before provided concerning Goods imported by Sea, and to be Rated *one penny* in every *twenty ſhillings*, the ſame to be paid in Money to the ſaid Officer, under the penalty of forfeiture as aforeſaid; the one third part to the Country Treaſurer, one third part to the Informer, and one third part to the Collector.

X. The Country Treaſurer for the time being, is hereby impowered and required duly to execute, or cauſe to be duely and fully executed this preſent Order in each particular part thereof; who is alſo impowered

and Authorized to depute and impower all ſuch Officers under him, as he ſhall iudge neceſſary for the accompliſhment thereof, who upon Warrant to them directed under his Hand and Seal, ſhall attend the ſame: And the ſaid Officer or Officers ſhall be accountable to the ſaid Treaſurer, when he ſhall call them thereunto.

XI. It is alſo Ordered, That ſuch Goods or other things as upon importation ſhall by this Order be paid for, ſhall not again for that year be Rated, whilſt they remain in the hands of them that ſo paid for them.

XII. In caſe the Treaſurer or any Officer under him, ſhall finde any great difficult or doubtful caſe in the execution of this Order, they ſhall repair to the Governour and Council, or ſo many of them as can conveniently aſſemble, provided the number be not leſs then five, who are hereby impowred to give ſuch Order and Directions for removing Obſtructions, as the major part of them ſhall judge expedient, for the effectual proſecution of this Order.

And the Order Reſpecting Cuſtomes, made *October 1668.* is hereby Repealed.

And it is Ordered further, That this preſent Law be in force forthwith, upon the ending of this preſent Seſſions, and forthwith publiſh in *Boſton* and *Charlstown*.

It is Ordered by this Court, that this ſhall be the Seal of the Treaſurers Office.

ALthough there are ſeveral Orders made by this Court, concerning the receiving of the Rates of Goods Imported, yet it is found by experience, that it falls ſhort of attaining the full end intended: For prevention of the defrauding of the Officer who is appointed to Collect the ſame;

Law to prevent the defrauding of the Officer for Cuſtomes

It is hereby Ordered, as an Addition to what the Law hath provided in this caſe, that all Maſters of Ships or other Veſſels, comeing into our Ports with any Goods Rateable according to Law, ſhall keep in their Cuſtody all ſuch Goods, till they receive an Order from the Collector to deliver the ſame, or in defect thereof to pay unto the ſaid Officer the full value of the Rate appointed by Law. [*1670.*]

Three Queſtions reſolved.

Whether the revenue ariſing by Rate or Cuſtome of Goods Imported, as alſo Powder paid by Shipping belonging to Strangers and brought into the River of *Paſcataqua*, is to be returned to the Publick Treaſury of this Country? This Queſtion is Reſolved by the whole Court on the Affirmative.

Whether the Money already Collected in *Paſcataqua* River, *viz.* by Cuſtomes

Cuſtomes or Rate on Goods Imported, &c. and for Powder paid by ſhipping, that is, what hath been received from Strangers, and ſuch as are not Inhabitants of the ſaid River, is to be returned to the publick Treaſury of this Country; this Queſtion alſo was reſolved on the Affirmative by the Court.

Whether the Revenue ariſing by the Rate or Cuſtome layd on Goods Imported, belonging to the Inhabitants of *Paſcataqua River*, which is brought into the ſaid River, is to be paid into the Country Treaſurer: This Queſtion is Reſolved in the Negative by the whole Court. [*1671.*]

IMPRESSES.

IT is Ordered by this Court and the Authority thereof; That in all publick works of this Common-wealth, one Magiſtrate and the overſeer of the work, ſhall have power to ſend their Warrants to the Conſtables of the next Towns, to ſend ſo many Labourers and Artificers as the warrant ſhall direct, which the Conſtable and two other or more of the Freemen, which he ſhall chuſe, ſhall forthwith execute for which ſervice, ſuch Magiſtrate and Overſeer aforeſaid, ſhall have power to give ſuch Wages as they ſhall judge the Work to deſerve; Provided that for any ordinary work, no man ſhall be compelled to work from home above one week together. *I.1. p.9.*

Labourers preſſed for any publick work

2. It is alſo Ordered, That no man ſhall be compelled, to any Publick work or ſervice, unleſs the preſs be grounded upon ſome act of the General Court, and have reaſonable allowance for the ſame, nor ſhall any man be compelled in Perſon to any Office, Work, Warrs, or other publick ſervice, that is neceſſarily aud ſufficiently exempted, by any natural or perſonal impediment, as by want of years, greatneſs of years, defect of minde, failing of ſences, or impotency of Limbs:

Perſons free for defect

Nor ſhall any man be compelled to go out of this Juriſdiction upon any offenſive Wars, which this Common wealth, or any of our Friends or Confederates, as ſhall voluntarily undertake, but only upon ſuch vindictive and defenſive Wars in our own behalf or the behalf of our Friends and Confederates as ſhall be enterprized by the Council and conſent of a General Court, or by Authority derived from the ſame.

Cattle and other goods damnified in the Country ſervice to be made good

Nor ſhall any mans Cattle or Goods of what kinde ſoever, be Preſſed, or taken for any Publick uſe or ſervice, unleſs it be by Warrant, grounded upon ſome Act of the General Court; Nor without ſuch reaſonable Prizes and Hire, as the ordinary Rates of the Country do afford, and if his Cattle or Goods ſhall perith or ſuffer damage in ſuch ſervice, the Owner ſhall be ſufficiently recompenced. [*1641.*]

IMPRISONMENT.

Who Baylable:

IT is Ordered and by this Court Declared, That no Mans Perſon ſhall be Reſtrained or Impriſoned by any Authority whatſoever, before the Law hath Sentenced him thereto, if he can put in ſufficient Security, Baile or Mainprize, for his appearance and good Behaviour in the mean time, unleſs it be in Crimes Capital, and Contempt in open Court, and in ſuch Caſes where ſuch expreſs Act of Court doth allow it. [*1641.*]

INDIANS.

A. 52. p. 16.

FOR *ſetling the Indians Title to Lands in this Juriſdiction*; It is Declared and Ordered by this Court and Authority thereof, That what Lands any of the Indians in this Juriſdiction have poſſeſſed and improved, by ſubduing the ſame, they have juſt right unto, according to that in *Gen. 1. 28. & chap. 9. 1. & Pſal. 115. 16.*

Indians Title to Land.

And for the farther incouragement of the hopeful work amongſt them, for the Civilizing, and helping them forward to Chriſtianity; If any of the Indians ſhall be brought to Civility, and ſhall come among the Engliſh to Inhabit, in any of their Plantations, and ſhall there live Civilly and Orderly;

That ſuch Indians ſhall have Allotments amongſt the Engliſh, according to the Cuſtome of the Engliſh in like caſe.

Civil Indians to have Land granted them.

Further it is Ordered, that if upon good experience, there ſhall be a competent number of the Indians brought on to Civility, ſo as to be capable of a Townſhip, upon their requeſt to the General Court, they ſhall have graunt of Lands undiſpoſed of, for a Plantation as the Engliſh have.

Indians not to be diſpoſſeſſed

And further it is Ordered by this Court, that if any Plantation or Perſon of the Engliſh, ſhall offer injuriouſly to put any of the Indians from their Planting grounds, or Fiſhing-places, upon their complaint and proof thereof, they ſhall have relief in any of the Courts of Juſtice amongſt the Engliſh, as the Engliſh have.

And further it is Ordered by this Court and the Authority thereof, and be it hereby Enacted, That all the Tract of Land within this Juriſdiction, whether already granted to any Engliſh Plantations or Perſons, or to be granted by this Court (not being under the qualification of Right to the Indians) is, and ſhall be accounted the juſt Right of ſuch Engliſh as already have, or hereafter ſhall have Graunt of Lands from this Court, and the Authority thereof; from that of *Geneſis 1. 28.* and the Invitation of the Indians.

L. 1. p. 38

2. And it is Ordered, That no Perſon whatſoever, ſhall henceforth buy

buy Land of any Indian without Licenſe firſt had and obtained of the General Court, and if any offend herein, ſuch Land ſo bought ſhall be forfeited to the Country. None to buy Land of Indians

Nor ſhall any perſon, ſell, give or Barter, directly or indirectly, any Gun or Guns, Powder, Bullets, Shot, Lead to any Indian whatſoever, or to any perſon Inhabiting out of this Juriſdiction: Nor ſhall any amend or repair any Gun belonging to any Indian, nor ſhall ſell any Armour or Weapons, upon penalty of *ten pounds* for every Gun, Armour or Weapons ſo ſold, given or Bartered, *five pounds* for every pound of Powder, *forty ſhillings* for every pound of Shot or Lead, and proportionably for any greater or leſſer quantity. [*1633. 37.*] no arms or ammunition to be traded with the Indians.

FOR *Explanation of the Law*, tit. *Indians*;
This Court doth Declare the Prohibition there expreſt, Referring to the purchaſe of Indian Land without Licence from this Court, is to be underſtood, as well Graunts for tearm of years as for ever, and that under the ſame penalty, as in the ſaid Law is expreſt. [*1665.*]

3. *Whereas the* French *and* Dutch *and other forreign Nations do ordinarily Trade Guns, Powder, Shot, &c. with Indians, to our great prejudice and ſtrengthening and animating the Indians againſt us, And the aforeſaid* French, Dutch *&c. do prohibit all Trade with the Indians within their reſpective Juriſdictions, under penalty of Confiſcation, &c.* *L. 2. p. 15.*

It is therefore Ordered; That it ſhall not be lawful for any *Frenchman, Dutch-man*, or any perſon of any other Forreign Nation whatſoever, or any *Engliſh* dwelling amongſt them, or under them, or any of them, to Trade with any *Indian* or *Indians* within the Limits of our Juriſdiction, directly or indirectly by themſelves or others, under penalty of Confiſcation of all ſuch Goods and Veſſels as ſhall be found ſo Trading, or the due value thereof, upon juſt proof of any Goods or Veſſels, ſo Trading or Traded. Forreigners prohibited Trade with our Indians

And it ſhall be lawful for any perſon or perſons, Inhabiting within this Juriſdiction, to make ſeizure of any ſuch Goods or Veſſels Trading with the *Indians*; one half whereof ſhall be for the proper uſe and benifit of the party ſeizing, and the other half to the Country.

4. *And becauſe the Trade of Furrs with the Indians in this Juriſdiction, doth properly belong to this Common-wealth, and not unto particular perſons*; *A. 57. p. 22.*

It is therefore Ordered, That henceforth no Perſon or Perſons, directly or indirectly, ſhall Trade with the Indians for any ſort of Peltry, excepting only ſuch as are Authorized by this Court, or by ſuch Committee as this Court ſhall appoint from time to time, under the penalty of *one Hundred pounds* fine for every offence, *ten pound* whereof ſhall be to the Informer, the reſt to the Country. None to Trade furrs with Indians without licenſe under penalty of 100 li.

5. *Whereas ſeveral Orders for the preventing of Drunkenneſs amongſt the Indians have been made, yet notwithſtanding there is little or no reformation: For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongſt them*; *A. 52. p. 23.*

This Court doth Order, that no perſon of what quality or condition

Strong Liquors prohibited to be ſold or given to Indians on penalty of 40.s. per pint

ſoever, ſhall henceforth Sell, Truck, Barter, or give any ſtrong Liquors to any Indian, directly or indirectly, whether known by the name of Rum, ſtrong-Waters, Wines, ſtrong-Beer, Brandy, Cyder, Perry, or any other ſtrong-Liquors, going under any other name whatſoever; under the penalty of *forty ſhillings* for one pint, and ſo proportionably for greater or leſſer quantities ſo Sold, Bartered or Given, directly or indirectly as aboveſaid.

And for the better execution of this Order;

All Trucking Houſes erected (not allowed by this Court) ſhall be forthwith demoliſhed.

And for the better effecting of this Order;

It is Declared that one third part of the penalty, ſhall be granted to the Informer.

It is alſo Ordered, that ſpecial care ſhall be had by the Grand jury, of every Shire Court, to inquire and preſent to the Court what they finde, to diſcover matter tending to ſuch practiſe, againſt the true intent of this Law:

And all other Orders giving liberty to ſell ſtrong Liquors to the Indians, are hereby Repealed; and all Licenſes formerly granted, are hereby diſabled and called in; Provided alwayes, that it is not intended that this Law ſhall extend to reſtrain any perſon from any charitable act, in relieving any Indian (*bona fide*) in caſe of ſuddain extremity, by ſickneſs or fainting, which calls for ſuch help, not exceeding one dram, nor when any Phyſitian ſhall preſcribe in way of Phyſick any of the particulars beforementioned; ſo as upon ſight of his direction in writeing, there be allowance had under the hand of one Magiſtrate, or where no Magiſtrates in the Town reſiding, being under the hands of the Town Commiſſioners or two of them. [*1657.*]

Except in caſe of ſickneſs, &c.

A.56.p.18. 6. *This Court conſidering the neceſſity of reſtraining the Indians from whatſoever may be a means to diſturb our peace and quiet*;

No Boats to be ſold to Indians

Doth Order, That henceforth no perſon or perſons Inhabiting within this Juriſdiction, ſhall directly or indirectly any wayes give, ſell, barter or otherwiſe diſpoſe of any Boat, Skiffe, or any greater Veſſel unto any Indian or Indians whatſoever, under the penalty of *fifty pounds*, to be paid to the Country Treaſurer, for every ſuch Veſſel ſo ſold or diſpoſed as aforeſaid. [*1656.*]

L.1.p.28. 7. It is Ordered by this Court, That in all plaees within this Juriſdiction, the Engliſh ſhall keep their Cattle from deſtroying the Indians Corn, in any ground where they have right to plant, and if any of their Corn be deſtroyed for want of Fencing or Hearding; the Town ſhall make ſatisfaction, and ſhall have power among themſelves, to lay the charge where the occaſion of the damage did ariſe; Provided that the Indians ſhall make proof, that the Cattle of ſuch a Town, Farm or Perſon did the damage.

Damage done to Indians in their Corn to be ſatisfied.

And for incouragement of the Indians, towards the Fencing in of their Corn-fields;

Help Indians Fence their Ground.

Such Towns, Farms, or Perſons, whoſe Cattle may annoy them that way, ſhall Direct, Aſſiſt and help them, in felling of Trees, riving and ſharpning Rails, and holing of Poſts; allowing one Engliſh-man to three or more Indians; And ſhall alſo draw the fencing into place for them, and allow one man a day or two, towards the ſetting up the ſame, and either lend or ſell them Tools to finiſh it; Provided, that ſuch Indians to whom the Country or any Town, have given, or ſhall give Ground to

plant

plant upon, or ſhall purchaſe ground of the Engliſh, ſhall Fence ſuch their Corn Fields or Ground, at their own charge as the Engliſh do or ſhould do:

And if any Indian refuſe to fence their Corn Ground (being tendred help as aforeſaid) in the preſence and hearing of ſufficient witneſſes, they ſhall keep off all Cattle, or loſe their damages.

And it is alſo Ordered, that if any harm be done at any time by the Indians unto the Engliſh, in their Cattle; the Governour or Deputy Governour with two of the Aſſiſtants, or any three Magiſtrates, or any County Court, may order ſatisfaction according to Law and Juſtice. [*1640. 48.*]

Indians to pay for hurt done to Cattle

8. *Whereas one end in planting theſe parts was to propagate the true Religion unto the Indians, and that divers of them are become ſubject to the Engliſh, and have engaged themſelves to be willing and ready to underſtand the Law of God;*

It is therefore Ordered, That ſuch neceſſary and wholſome Laws which are in force, and may be made from time to time, to reduce them to civility of life, ſhall be once a year (if the times be ſafe) made known to them, by ſuch fit perſons as the General Court ſhall appoint.

Laws to be publiſhed to the Indians

9. *For the better Ordering and Governing the Indians ſubject to us, eſpecially thoſe of* Natick *and* Punquepaog; *A. 58.*

It is Ordered that whomſoever the Court ſhall appoint, do take care that all ſuch Indians do live according to our Laws, as far as they are capable, and to that end ſhall be Authorized to conſtitute and appoint Indian Commiſſioners in their ſeveral Plantations, to hear and determine all ſuch matters that do ariſe amongſt themſelves as one Magiſtrate may do amongſt the Engliſh, with Officers to execute all Commands and Warrants, as Marſhal and Conſtables.

And further they joyntly ſhall have the power of a County Court, to hear and determine all cauſes ariſing among them, the Engliſh Magiſtrate appointing the time and place of the Court, and conſenting to the determination or judgement, and all other matters beyond their cognizance ſhall be iſſued and determined by the Court of Aſſiſtants.

Courts to be kept among the Indians.

10. And it is Ordered, that no Indian ſhall at any time *Powaw* or perform outward worſhip to their falſe Gods, or to the Devil, in any part of our Juriſdiction, whether they be ſuch as ſhall dwell here or ſhall come hither; and if any ſhall tranſgreſs this Law, the *Powawer* ſhall pay *five pounds*, the procurer *five pounds*, and every other countenancing by his preſence or otherwiſe (being of age, of diſcretion) *twenty ſhillings*, and every Town ſhall have power to reſtrain all Indians that ſhall come into their Towns from prophaning the Lords day. [*1633, 37, 40, 41, 42, 46, 48, 56, 57, 58.*]

Powaws forbidden.

Towns to reſtrain Indians from prophaning the Sabbath

WHereas *the ſin of Drunkenneſs amongſt the Indians doth much increaſe, notwithſtanding the Laws provided againſt that crying ſin;*

This Court doth therefore Order, that any perſon or perſons, that ſhall ſee, know or finde any Indian with any ſtrong Liquors, Wine or ſtrong Drink, that ſuch Indians have any way gotten without Order as the Law directs, ſhall have power to ſeize the ſame, and to deliver the ſaid ſtrong Drink to the Conſtables of the Town or Place where ſuch Indians are found, with their perſons to be conveyed before ſome Magiſtrate or Commiſſioner, who have

order to prevent Drunkenneſs in Indians

Their ſtrong Liquors &c to be ſeized by any perſon

power to deal in ſuch caſes; and ſuch Indians as are found Drunk, being apprehended, and will not confeſs how or where they had the ſaid Wine, Liquors, or ſtrong Drink, ſhall be ſecured or impriſoned until they make a juſt acknowledgement where they had their Drink aforeſaid, or committed to the Houſe of Correction, and there labour to diſcharge the charge of their proviſion.

Their accuſation againſt perſons to be evidence unleſs the party clear himſelf on Oath, &c.

And if any ſuch Indian do accuſe any perſon for ſelling or delivering ſtrong Drink unto them, ſuch Indian accuſation ſhall be accounted valid againſt any ſuch perſon accuſed; except ſuch perſons ſhall clear then ſelves by taking their Oath to the contrary, any Law or Cuſtome to the contrary notwithſtanding.

If Drunk to pay ten ſhillings or be whipt with ten ſtripes, &c.

And it is alſo further Ordered, that whatſoever Indian ſhall hereafter be taken Drunk, ſhall pay the ſum of *ten ſhillings* or elſe be whipt, by laying on *ten ſtripes*, according to the diſcretion of the Judge, whether Magiſtrate or Commiſſioner who ſhall have cognizance of the caſe: And in all Towns where no Magiſtrate or Commiſſioners are, ſuch Caſes ſhall be judged by the Select men or major part of them. [*1666.*]

Trade with Indians for peltry & Ammunition regulated.

IT is Ordered by this Court and the Authority thereof, That henceforth every perſon that is or ſhall be allowed by the Treaſurer of the Country to Trade Peltry or Skins with the Indians, ſhall have liberty to ſell unto any Indian or Indians, not in Hoſtility with us, or any of the Engliſh in *New England*, Powder, Shot, Lead, Guns, (*i. e.*) Hand Guns, Rapier or Sword blades; Provided he or they pay unto the Country Treaſurer every half year in money, *ſixpence* a pound for every pound of Powder, *ſixpence* for every *ten* pounds of Shot or Lead, *three ſhillings* for every Gun, *three ſhillings* for every dozen of Rapier or Sword blades, and ſo proportionably for any quantity that he or they ſhall ſell to any Indian or Indians; and every ſuch perſon allowed to Trade as aforeſaid, ſhall upon Oath deliver to the Treaſurer a true and juſt account of the particulars of the abovementioned Commodities, by him or them ſold unto any Indian or Indians.

Every allowed Trader paying to the Country Treaſurer ſeveral ſums appointed, &c.

And it is further Ordered, that any perſon allowed as before, that ſhall be convicted before any two Magiſtrates or County Court, of ſelling or bartering any of the forementioned Commodities unto any Indian, whereof he or they have not given a true and juſt account, and made due payment unto the Treaſurer as is above expreſſed; every ſuch perſon or perſons ſhall forfeit to the publick Treaſury, *five pounds ſterling* for every pound of Powder, *five pounds* for every *ten* pounds of Shot or Lead, *ten pounds* for every Gun great or ſmall, and *ten pounds* for every dozen of Rapier or Sword blades, and ſo proportionably for any quantity of the aforeſaid Commodities ſold or bartered by him or them to any Indian or Indians: and all perſons except ſuch as are allowed, are hereby prohibited from ſelling any of the forementioned Commodities unto any Indian or Indians, upon the penalty expreſſed in the Law, *tit.* Indians, *Sect. 2.* And this Order to continue in force during the Courts pleaſure; any Law or Order to the contrary notwithſtanding. [*1668.*]

Inditements

INDITEMENTS.

IT is Ordered by this Court; That no perſon ſhall be Indited, Preſented, Informed againſt, or Complained of to any Court or Magiſtrate within this Juriſdiction, for the breach of any penal Law, of any other miſdemeanour, the forfeiture whereof belongs to the Country, unleſs the ſaid Inditement or Complaint, be made and exhibited within one year after the offence be committed; and if any ſuch Inditement, Preſentment, Information or Complaint be not made within the time limited, then the ſame ſhall be void and of none effect. *A. 32 p. 10.*

Complaints and Preſentments to be made within a year.

Provided alwayes, this Law ſhall not extend to any Capital Offences, nor any Crimes that may concern loſs of Member or Baniſhment, or to any Treaſonable Plots or Conſpiracies againſt the Common-wealth, nor to any Felonies above *ten ſhillings*, nor ſhall it hinder any perſon grieved, or that hath any wrong done to him or his Wife, Children, or Servants, or Eſtate, real or perſonal, but that every ſuch perſon ſhall have ſuch remedies as formerly he might or ought to have. [*1652.*]

In-keepers, Ordinaries. Tipling, Drunkenneſs.

FOraſmuch as there is a neceſſary uſe of Houſes of Common Entertainment in every Common-wealth, and of ſuch, as Retail Wine, Beer and Victuals, yet becauſe there are ſo many abuſes, both by perſons entertaining and by perſons entertained;

It is therefore Ordered by this Court and Authority thereof; That no perſon or perſons ſhall at any time, under any pretence or colour whatſoever, undertake to be a Common Victualler, Keeper of a Cooks ſhop, or Houſe for Common Entertainment, Taverner, or publick Seller of Wine, Ale, Beer, or Strong-waters by Retail, (nor ſhall any ſell Wine privately in his Houſe, or out of doors, by a leſs quantity then Quarter Cask) without approbation of the Selected Townſmen, and Licenſe of the County Court where they dwell, upon pain of forfeiture of *five pounds* for every ſuch offence, or Impriſonment at the pleaſure of the Court. *A. 51.*

None to keep Ordinaries without Licenſe.

Provided, it ſhall be lawful for any whole ſale Merchant of Wines, or the preſent Stillers of Strong-waters, being Maſters of Families, or ſuch as receive the ſame from forreign parts in Caſes, &c. or makers of Cyder to ſell by Retail; Provided the quantity of Wine and Cyder, be not leſs then three Gallons at a time to one perſon, nor Strong-waters leſs then a quart; and that it be only to Maſters of Families of good and honeſt report, or perſons going to Sea; and they ſuffer not any perſon to drink the ſame in their Houſes, Cellars or Yards.

Liberty to ſell Wine & Strong-waters by retail

And every perſon ſo Licenſed for Common Entertainment, ſhall have ſome inoffenſive Sign, obvious for direction of Strangers, and ſuch as have

Ordinaries to have Signes

no ſuch Signe after three Months ſo Licenſed, ſhall loſe their Licenſe, and others be allowed in their ſtead.

L. 2. p. 13. *A. 51. p. 4.* *A. 53. p. 19.*

To be alwayes provided with ſtrong Beer 2. d. the quart

2. And every perſon Licenſed to keep an Ordinary, ſhall alwayes be provided of Strong Wholſome Beer, of four Buſhels of Malt (at the leaſt) to a Hogſhead, which he ſhall not ſell at above *two pence* the Ale quart, upon penalty of *forty ſhillings* for the firſt offence, and for the ſecond offence to loſe his Licenſe.

And it is permitted to any that will, to ſell Beer out of doors, at *one penny* the Ale quart or under.

WHer the Law tit. *In-keepers*, Sect. *2. hath provided, that every perſon Licenced to keep an Ordinary, ſhall alwayes be provided of ſtrong wholſome Beer, of four Buſhels of Malt at the leaſt to a Hogſhead, which was Intended, and is hereby Declared to be of good Barly Malt, not to be ſold for above* two pence *the Ale quart, on penalty as in the ſaid Law is expreſſed, notwithſtanding which, many keepers of Inns and Ordinaries as regardleſs of the ſaid Law, or of the debaſing of the produce of the Country, take liberty to make and ſell Drink Brewed of, or mixed with Melaſſes, courſe Sugar, or other Materials, to the damage, juſt offence and prejudice of ſundry perſons;*

Four Buſhels of Barly Malt in a Hogſhead

It is therefore Ordered by this Court and the Authority thereof, that no perſon Licenſed as aforeſaid, ſhall after publication hereof, ſell or any wayes utter any Beer, Ale or Drink inſtead thereof, by Retail that is not made altogether of good Barly Malt, without any mixture of Melaſſes, courſe Sugar or other Materials inſtead of Malt, on penalty of *five pounds* for every ſuch offence, one half to the Informer, the other half to the County where ſuch offence ſhall be committed; beſides the penalties in the former recited Law expreſſes, on Complaint to any Magiſtrate, County Court or Commiſſioner for Boſton, unleſs the party complained of, ſhall legally prove his or her Innocency therein, in which caſe, it ſhall be in the liberty of the Authority as aforeſaid, to accept the Oath of ſuch perſon if tendred to him or them, if they ſee cauſe: And the Authority aforeſaid, are hereby impowred to hear and determine ſuch Complaints; any Law, Cuſtome or Uſage to the Contrary notwithſtanding. [*1667.*]

L. 1. p. 30.

Not to permit any to be Drunk &c.

3. And no Licenſed perſon as aforeſaid, ſhall ſuffer any to be Drunk, or to Drink Exceſſively, *viz.* above half a pint of Wine for one perſon at a time, or to continue Tipling above the ſpace of half an hour, or at unſeaſonable times, or after nine of the Clock at night, in, or about any of their Houſes, on penalty of *five ſhillings* for every ſuch offence.

L. 2. p. 6.

Not to conceal Drunkards

And if any perſon Licenſed to ſell Wine or Beer as aforeſaid, ſhall conceal in his Houſe any perſon that ſhall be found Drunken, and ſhall not forthwith procure a Conſtable to carry ſuch Drunken perſon before ſome Magiſtrate or Commiſſioner, and in the interim, the ſaid Vintner or Drawer of Beer, ſhall make ſtay of ſuch perſons till the Conſtable ſhall come, under the penalty of *five pounds*, for every default.

L. 1. p. 30.

4. And every perſon found Drunken, *viz.* ſo as he be thereby bereaved or diſabled in the uſe of his underſtanding, appearing in his ſpeech

or

or geſture, in any of the ſaid Houſes or elſewhere, ſhall forfeit *ten ſhillings*, and for exceſſive Drinking *three ſhillings four pence*, and for continueing above half an hour Tipling *two ſhillings ſix pence*, and for Tipling at unſeaſonable times, or after nine of the Clock at night *five ſhillings* for every Offence in thoſe particulars, being lawfully convict thereof, and for want of payment, they ſhall be impriſoned till they pay, or be ſet in the Stocks one hour or more (in ſome open place) as the Weather will permit not exceeding three hours.

Drunkenneſs, Tipling the penalty

L. 2. p. 6.

5. And if any perſon be found Drunken, by night or by day, or ſhall in his Drunkenneſs offer any abuſe to the Conſtable or others, either by ſtriking or reviling him or them, or uſing any endeavours by himſelf or others to make an eſcape, it ſhall be in the power of the Conſtable to commit ſuch perſon or perſons to ſafe keeping or impriſonment, or take Bond for his appearance, as he ſhall ſee cauſe; and the Keepers of each Priſon, upon Warrant from any Magiſtrate, or Commiſſioner, or Select men, ſhall receive all ſuch as ſhall be ſo committed. and take but *twelve pence* for his fee in ſuch caſes.

Drunkards abuſing the Conſtable to be committed

And the Conſtable ſhall inform the next Magiſtrate thereof, but if no Magiſtrate be in Town, he ſhall convent ſuch perſon or perſons before one or more of the Commiſſioners for ending ſmall cauſes, and where no Commiſſioners are, before any one or more of the Select men of the Town, who have power given them to do as any one Magiſtrate may do in like caſe; Provided nevertheleſs, if any ſuch Delinquent ſhall confeſs his fault, and pay his fine and other charges, the Conſtable ſhall receive it and diſmiſs the offender, and every perſon hereby Authorized to receive the fines aforeſaid, ſhall forthwith make return to the Treaſurer of the County where ſuch offence is committed, of what he hath done and received in ſuch caſes.

Convented before ſome Magiſt. Commiſſioner of Select men

L. 1. p. 30.

6. It ſhall be lawful notwithſtanding, for all Licenſed perſons to entertain Land-travellers or Sea-faring men in the night ſeaſon, when they come on ſhore or from their journey for their neceſſary refreſhment, or when they prepare for their voyage or journey the next day early, ſo there be no diſorder among them, and alſo Strangers, Lodgers or other perſons in an orderly way, may continue in ſuch Houſes of Common Entertainment during meal times, or upon lawful buſineſs what time their occaſion ſhall require.

Travellers entertained for a night

Wine merchants Coopers &c. not to permit any to be Drunk

7. Nor ſhall any Merchant, Cooper, Owner or Keeper of Wines, or other perſons that have them in ther cuſtody, ſuffer any perſon to drink to Exceſs or Drunkenneſs in any of their Wine-ſellers, Ships or other Veſſels, or places where Wines do lye on pain to forfeit for each perſon ſo doing, *ten ſhillings*.

A. 54. p. 2.

Nor ſhall any perſon Licenſed to ſell Strong waters, or any private Houſekeeper permit any perſon or perſons to ſit Drinking or Tipling Strong-waters, Wine or Strong Beer in their Houſes. And if any ſuch Seller of Strong-waters or private Houſekeeper, ſhall be legally convicted before any County Court, any one Magiſtrate or Commiſſioners Court, ſuch perſons ſhall for the firſt offence be fined *twenty ſhillings*, and if the party ſo convicted be not able to pay his fine, he ſhall be ſet in the Stocks, where he ſhall continue one whole hour, and if any ſuch Seller of Strong waters ſhall be convicted as aforeſaid of a ſecond Offence of the ſame nature, he ſhall forfeit his Licenſe, and ſhall alſo pay *twenty ſhillings* as a fine to the Country, and if any private Houſe-keeper, ſhall be convicted as aforeſaid of a ſecond Offence againſt this Law, he ſhall pay a fine of *five pounds*,

Private Houſekeepers not to permit any to tipple in their Houſes

First offence 10 s

Second offence 5 li

third offence good behaviour.

and for a third offence, ſuch perſon or perſons being ſo convicted, ſhall be bound to their good Behaviour in *twenty pound* Bond, with two ſufficient Sureties, or be committed to Priſon.

L. 1. p. 30.

8. And if any perſon offend in Drunkenneſs, exceſſive or long Drinking the ſecond time, they ſhall pay double fines.

Drunk the ſecond time double fine

third treble

And if they fall into the ſame offence the third time, they ſhall pay treble the fines, and if the parties be not able to pay the fines, then he that is found Drunk ſhall be puniſhed by whipping, to the number of *ten ſtripes*; and he that offends in exceſſive or long Drinking, ſhall be put into the Stocks for three hours, when the weather may not hazard his life or limbs.

fourth time imprisonment

And if they offend the fourth time, they ſhall be impriſoned until they put in two ſufficient ſureties for their good Behaviour.

Inkeepers convict of a third offence

forfeit their Licenſe

9. And it is further Ordered, That if any perſon that keepeth or hereafter ſhall keep a common houſe of Entertainment, ſhall be lawfully convicted the third time, for any offence againſt this Law; he ſhall (for the ſpace of three years next enſueing the ſaid conviction) be diſabled to keep any ſuch houſe of Entertainment, or ſell Beer, or the like, unleſs the Court aforeſaid, ſhall ſee cauſe to continue him.

Proviſion for Hoſſes

10 It is further Ordered, that every In-keeper or Victualler, ſhall provide for the entertainment of Strangers Horſes, *viz.* one or more Incloſures for Summer; Hay and Provender for Winter, with convenient Stable-room and Attendants, under the penalty of *two ſhillings ſix pence* for every dayes default, and double damage to the party thereby wronged, except it be by inevitable accident.

Vintners to pay 50. s. per Butt

11. And it is further Ordered by the Authority aforeſaid; That no Taverner, Seller of Wine by Retail Licenſed as aforeſaid, ſhall take above *nine pound* profit by the Butte or Pipe of Wine, (and proportionably for all other Veſſels) towards his waſte in drawing and otherwiſe, out of which allowance, every ſuch Taverner or Vintner, ſhall pay *fifty ſhillings* by the Butte or Pipe, and proportionably for all other Veſſels to the Country; for which they ſhall account with the Treaſurer or his Deputy every ſix Months and diſcharge the ſame, all which they may do by ſelling *ſix pence* a quart in Retail which they ſhall no time exceed) more then it coſt by the Butt: Beſides the benefit of their Art and Myſtery which they know how to make uſe of.

To give notice to the Treaſurer what Wine they buy

And every Taverner or Vintner ſhall give a true account and notice unto the Treaſurer or his Deputy, of every Veſſel of Wine he buyes from time to time within three dayes, upon pain of forfeiting the ſame or the value thereof, the one half to the Country, the other half to the Treaſurer and Informer.

A. 58.

And it is Ordered, that the ſaid Impoſt, ſhall from time to time be paid in Wines at Merchantable price, or other equivolent Merchantable good pay, to the content of the Treaſurer, and that the Treaſurer ſhall take ſpecial care in collecting the ſame; who is hereby impowred to ſubſtitute ſuch Deputies under him as he ſhall ſee meet in the ſeveral Towns for his help and furtherance herein; for all which pains and care, he ſhall be allowed *two ſhillings* in the pound of all ſuch Impoſts as he ſhall bring into his Annual account with the Country.

Treaſurer to have 2. s. per lb. of this Impoſt

Provided alwayes, that if any Vintner, Taverner or Retailer of Wines, ſhall

ſhall give an account to the Treaſurer of any part of any Wine entred as aboveſaid, that he hath ſold away again by whole-ſale, being no leſs in quantity then a Quarter Cask to one perſon at one time, and ſhall truely certifie the perſon who had it, and the time when; ſuch perſon or perſons ſhall be abated of their Impoſt, in proportion to what they have ſold.

Sellers of ſtrong water to give notice to the Marſhal within 3 dayes

And all ſuch as Retail ſtrong Waters, ſhall in like manner pay *two pence* upon every quart to the uſe of the Country, who ſhall alſo give notice to the Marſhal General of every Caſe and Bottle, or other quantity they buy within three daves, upon pain of forfeiture as before

L. 2. p. 31.

12. And it is Ordered; That in all places where Week-day Lectures are kept, all Taverners, Victuallers and Ordinaries, that are within one mile of the Meeting-houſe to which they belong, ſhall from time to time clear their Houſes of all perſons able to go to Meeting, during the time of the exerciſe, (except upon extraordinary cauſe, for the neceſſary refreſhing of Strangers unexpectedly repairing to them) upon pain of *five ſhillings* for every ſuch offence, over and beſides the penalties incurred by this Law for any other diſorder.

Ordinary-keepers to clear their houſes in meeting time

13. It is alſo Ordered, That all offences againſt this Law, may be heard and determined by any one Magiſtrate, who ſhall hereby have power by warrant to ſend for, and examine parties and witneſſes concerning any of theſe offences: and upon due conviction either by view of the ſaid Magiſtrate, or Affirmation of the Conſtable, and one ſufficient witneſs with circumſtances concurring, or two witneſſes, or confeſſion of the party, to leavy the ſaid ſeveral fines, by warrant to the Conſtable for that end.

One Magiſtr. to hear & determin all offences againſt this Law

Delinquents Teſtimony

And if any perſon ſhall voluntarily confeſs his offence againſt this Law in any the particulars thereof, his Oath ſhall be taken in evidence and ſtand good againſt any other offending at the ſame time.

14. It is further Ordered by the Authority aforeſaid, That all Conſtables may, and ſhall from time to time, duely make ſearch throughout the limits of their Towns upon Lords dayes and Lecture dayes in times of exerciſe, and alſo at all other times ſo oft as they ſhall ſee cauſe, for all Offences and Offenders againſt this Law, in any the particulars thereof.

Conſtable to ſearch in Ordinaries

And if upon due Information or Complaint, of any of their Inhabitants or other credible perſons, whither Taverner, Victualler, Tabler or other, they ſhall refuſe or neglect to make ſearch as aforeſaid, or ſhall not to their power perform all other things belonging to their place and office of Conſtable, then upon complaint and due proof before any one Magiſtrate, within three Months of ſuch refuſal or neglect, they ſhall be fined for every ſuch offence *ten ſhillings*, to be leavied by the Marſhal as in other caſes by Warrant from ſuch Magiſtrate before whom they are Convicted or Warrant from the Treaſurer upon notice from ſuch Magiſtrate.

Conſtab. neglect

Fined 10 s.

A. 57. p. 2.

15. *And becauſe it is difficult to Order and keep the Houſes for publick Entertainment in conformity to the wholſome Laws eſtabliſhed, as is neceſſary for preventing Drunkenneſs, exceſſive Drinking, vain Expences of money, Time, and the abuſe of the good Creatures of God;*

It is therefore Ordered by this Court and the Authority thereof, That no perſon or perſons hereafter ſhall be Licenſed to keep a Houſe of Common entertainment for any longer then one year at one time, and that ſuch as keep Houſes of publick entertainment, (the preſent Vintners during their contract excepted) ſhall and hereby are enjoyned once every

Ordinaries to renew their Licenſe yearly

year, to repair to the ſeveral County Courts for reniewing their ſeveral Licenſes (for which they ſhall pay *two ſhillings ſix pence* to the Clerk of the Court) or elſe they ſhall forfeit *five pounds* as unlicenſed Ale-houſe keepers. [*1645, 46, 47, 48, 51, 53, 57, 58.*

UPon complaint of the great abuſes that are daily committed by the Retailers of Strong-waters, Rhum, &c. both by the Stillers thereof, and ſuch as have it from forraigne parts;

None to Still or Retail Liquors without Licenſe

This Court do therefore Order, that henceforth no perſon or perſons ſhall practiſe the Craft of Stilling Strong-waters, nor ſhall ſell or Retail any, by leſs quantities then a Quarter Cask, and the ſame to be delivered not at ſeveral times or in ſeveral parcels, but at one time, without Covin or Fraud, excepting only ſuch as ſhall be allowed Annually by the County Courts reſpectively, on penalty of *five pounds* forfeiture for every time that any perſon or perſons ſhall be legally convicted thereof; any Law, Uſage or Cuſtome, or former Licenſes to the contrary notwithſtanding.

Provided alwayes, this Law ſhall not prohibit ſuch Merchants as have Strong-liquors from forreigne parts in Caſes, from ſelling the ſame by the whole Caſe, either to ſuch as are going to Sea, or to Maſters of Families of good report. [*1661.*]

THis Court being ſenſible of the great increaſe of prophaneſs among us eſpecially among the younger ſort, taking their oportunity of meeting together in places of publick Entertainment, to corrupt one another by their uncivil and wanton carriage, rudely ſinging and making a noiſe, to the diſturbance of the Family and other Gueſts if any be in the Houſe;

Penalty for rude ſinging in Taverns

This Court do therefore Order and hereby Enact, That no perſon or perſons whatſoever, do preſume either in Word or Deed to carry it uncivilly, or wantonly, ſinging rudely, or making a noiſe to the diſturbance of the Family, or any other Gueſts in any place of Publick Entertainment, on penalty of paying *five ſhillings* for every offence againſt this Law, being therefore legally Convicted before any Court, Magiſtrate or Commiſſioner:

And where ſundry perſons are in the ſame company, where any ſuch rude and uncivil carriages are acted, and the particular perſon or perſons unknown, every of the ſaid perſons ſhall be liable to the like penalty, unleſs they can atteſt their innocency, and do freely give in their teſtimony againſt the nocent.

And if any perſon allowed to keep a houſe of publick Entertainment ſhall ſuffer ſuch carriages by any perſon or perſons, and not legally proſecute the ſame before Authority, on legal conviction thereof, before the County Court of whom they had their Licenſe, they ſhall be debarred of any further renewal thereof. [*1664.*]

AS an Addition to the Law, tit. In-keepers;

It is Ordered by this Court and the Authority thereof, That where any perſon or perſons whatſoever, ſhall preſume to keep an Houſe of publick

publick Entertainment, Ordinary, Cooks ſhop, or ſhall by Retail ſell Wine, Strong Beer, Liquors or Cyder, without Licenſe firſt had and orderly obtained; or having had Licenſe, and not renewed as the Law requireth, or being diſcharged for any miſdemeanour committed, or ſuffered to be done in their Houſes, or in or about the ſame: It ſhall be lawful for any Court or Magiſtrate, on complaint made to them of ſuch Miſdemeanour, to end for ſuch perſon or perſons before them, and being legally convicted of any the aboveſaid offences, beſides the penalty, to require Bond, with ſufficient Sureties for the good Abbearance of ſuch perſon or perſons, and in ſpecial for their obſervance of the ſaid Law: And in caſe of Refuſal to give ſuch Bond with Sureties as is required; the Court or Magiſtrate that hath cognizance of ſuch Complaint, ſhall commit ſuch perſon or perſons convicted as aboveſaid to Priſon, until the next Court of that County. [*1665.*]

WHereas this Court hath made ſeveral Laws and Orders for the prevention of the ſin of Drunkenneſs, and miſpending precious Time and Eſtate; and yet notwithſtanding great complaint is made of ſeveral perſons ſpending their Time and Eſtate by Drinking and Tipling in Taverns and Ale-houſes, to the great diſhonour of God, and prejudice of their Families; For the prevention whereof;

For prevention of Drunkenneſs

It is Ordered by this Court and the Authority thereof, That the Select men of each Town ſhall be, and are hereby required and impowred to take ſpecial care and notice of all and every perſon and perſons tranſgreſſing as aboveſaid, and thereupon to require him or them to forbear the frequenting of ſuch Houſes or Taverns: and if any perſon ſhall after ſuch warning given him, be found in any ſuch Houſe of Entertainment, and be legally convicted thereof, before any one Magiſtrate or Commiſſioner, he ſhall forfeit *five ſhillings*, to be paid to the Treaſurer of that Town for every ſuch Offence, or ſit in Stocks as the Judges ſhall ſee meet.

And it is further Ordered, That the Select men ſhall alſo give notice to the keepers of ſuch Publick Houſes, that they ſuffer no ſuch noted perſon in any of their Houſes, upon the penalty of *twenty ſhillings* for every ſuch defect, to be paid to the Treaſurer as aforeſaid. [*1670.*]

Judgements and Executions.

WHereas there is a great abuſe in ſelling of Judgements and Executions, and ſo altering the property of them before they be ſatisfied, or Goods ſeized, whereby great inconvenience may ariſe, as experience hath proved; *A. 54.*

This Court doth therefore Order, That after the end of this Seſſion, no perſon ſhall ſell, Alienate or Aſſigne any Judgement or Execution whatſoever, and if any ſhall preſume to Act contrary to this Order, his Sale, Aſſignment or Alienation ſhall be void in Law; and in caſe the party die after the Judgement

Judgements and Executions not to be ſold

before he hath taken out an Execution, or before ſatisfaction be received, his Executor or his Adminiſtrator ſhall take out or reniew the Execution, as the party deceaſed might have done.

JURORS. JURIES.

L. 2. p. 5.

Clerk to grant warrant for Jurors

IT is Ordered by this Court and the Authority thereof; that the Secretary or Clerk of every Court, ſhall in convenient time before the ſitting of the Court, ſend Warrants to the Conſtables of the ſeveral Towns of the Juriſdiction of that Court, for Jury-men proportionable to the Inhabitants of each Town: And the Conſtable upon the receipt of ſuch Warrant, ſhall give timely notice to the Free men of their reſpective Towns, to chuſe ſo many able, diſcreet men as the Warrant ſhall require, which men ſo choſen, he ſhall warn to attend the Court whereto they are appointed, and ſhall make return of the Warrant unto the Clerk aforeſaid.

Choſen by the Freemen

Conſtables to return the warrant

A. 51. p. 5
L. 2. p. 8.

Juries at ſpecial Courts allowed 4.s. per diem.

The like Order ſhall be obſerved in the choice and ſummoning juries to attend ſpecial Courts:

At which Courts every Jury-man ſhall be allowed *four ſhillings per diem* for their charges, and to be paid by him upon whoſe motion the Court was granted.

L. 1. p. 32.

Jury to finde accord. to Eviden.

And all Juries ſerving at the Court of Aſſiſtants at Boſton, ſhall be Summoned reſpectively out of the Counties of *Suffolk* and *Middleſex*: And all Jurors ſo choſen, ſhall be Impannelled and ſworn truely, to try between party and party, and ſhall finde the matter of fact with the damages and coſts, according to their evidence, and the Judges ſhall declare the Sentence, or direct the Jury to finde according to Law; and if there be matter of apparent equity, as the forfeiture of an Obligation, breach of Covenant without damage, or the like, the Bench ſhall determine ſuch matters of equity.

Bench to determine matter of equity

And no tryal ſhall paſs upon any man for life or Baniſhment in any inferiour Court, but by a ſpecial Jury Summoned for that purpoſe.

Grand-Juries

L. 1. p. 47.

2. It is alſo Ordered, that there ſhall be Grand juries Summoned in like manner every year unto the ſeveral Courts in each Juriſdiction, to preſent all miſdemeanours they ſhall know or hear, to be committed by any perſon within the Juriſdiction, and to do any other ſervice of the Common-wealth, they ſhall be required by the ſaid Court.

Jurors not bound to reveal Secrets

A. 55. p. 19.

Provided no Juror, nor any perſon whatſoever ſhall be bound to inform, preſent or reveal any private Crime or Offence, wherein there is no peril or danger to this Colony, or any Member thereof, when any neceſſary tye of Conſcience binds him to ſecreſie, unleſs it be in Teſtimonies lawfully required.

Jurors allowance

And every Grand-juror ſhall be allowed *three ſhillings per diem* for his charges, out of the fees and other profits ariſing in each Court where they do ſervice, or by the County if thoſe in-comes fall ſhort.

3. In

3. In all caſes wherein the Law is obſcure, ſo as the Jury cannot be ſatisfied therein, whether it be Grand or Petty Jury, they have liberty to preſent a ſpecial Verdict, *viz.* If the Law be ſo in ſuch a point we finde for the Plaintiffe, but if the Law be otherwiſe we finde for the Defendant, in which caſe the determination doth properly belong to the Court. *A.57.p.25.* Juries liberty to give a ſpecial Verdict

And all Jurors ſhall have liberty in matter of Fact, if they cannot finde the main iſſue, yet to finde and preſent in their Verdict ſo much as they can.

4. And if the Court and Jury ſhall ſo differ at any time about their Verdict, that either of them cannot proceed with peace of Conſcience, the caſe ſhall be iſſued and determined at the next Court of Aſſiſtants, in manner following, *(i.e.)* the Attachment with the Security for appearance at the County Court, ſhall be continued to the Court of Aſſiſtants: and if the Plaintiffe ſhall ſee cauſe further to proſecute his Action, he ſhall give ſummons to the Defendant as the Law provideth, and ſhall alſo take out of the Records of the County Court the Records of the ſaid caſe with the Evidences preſented by both parties, and bring the ſame to the Court of Aſſiſtants, where after the caſe is preſented, as it was at the County Court, both parties ſhall have liberty to make any new Pleas or Evidence before the Bench and Jury: and in caſe the Plaintiffe ſhall not further proſecute his Action in manner as is hereby provided, the Defendant ſhall then have Judgement granted him for his coſts, at the next Court of that County. Court and Jury not agreed, caſe comes to the General Court *A.56.p.14.*

5. It is further Ordered, That whenſoever any Jury or Jurors are not clear in their Judgements or Conſcience, concerning any caſe wherein they are to give their Verdict, they ſhall have liberty in open Court (but not otherwiſe) to adviſe with any man they ſhall think fit to reſolve or direct them, before they give in their Verdict. *L.1.p.31.* Juries liberty to take advice in open Court

And no Juror ſhall be compelled to ſerve above one ordinary Court in a year, except Grand jurors, who ſhall hold two Courts together at the leaſt, and ſuch as ſhall be ſummoned to ſerve in caſes of life and death, or Baniſhment. [*1634,41,42,49,50,51,53,56,57.*] Jurors to ſerve but a year except

6. *Whereas in Suits and Actions brought into Courts between party and party, ſometimes the Plaintiffe and ſometimes the Defendant, and ſometimes neither of them do attend to anſwer when they are called to Proſecute or Anſwer, which hath been too long connived at by the Magiſtrates, and much time loſt in ſending to ſeek them out, or wait their comeing in, whereby the Country charges enereaſed, and the Magiſtrates, Jurors, Witneſſes and others abuſed, contrary to the Laudable, Reaſonable Practiſe and Cuſtomes of all Courts in our Native Country, and other Countries known unto us;*

It is therefore hereby Ordered and Enacted, That if any Plaintiffe, He or Shee have entred any Action to be tryed in any Court, or which comes orderly into any Court, by Replevin, Appeal, or by the diſagreement between the Magiſtrates and Jury in an Inferiour Court, and do not by him or her ſelf, or by their Attornies make their appearance and proſecute their Action immediately after they have been three times called in the Court by Name, after the firſt forenoon of the Court; that then they ſhall be Non-ſuited; and if Plaintiffe or Defendant appear upon ſuch call, they ſhall have their coſts granted by the Court againſt him or her that doth Plaintiff and Defendants penalty for not anſw. at their call

Plaintiffs liberty to make new entry in cafe

not appear; and if afterwards both parties do agree to try their caſe at the ſame Court, they ſhall be allowed ſo to do, the Plaintiffe paying half ſo much for a new Entry as he did before.

Delinq. penalty for not anſwering when calld

And if any perſon preſented by the Grand-jury for any offence, or Summoned by a Magiſtrate to anſwer any crime, do not upon Summons appear at the time appointed, upon the third call as aforeſaid, He or Shee ſhall be proceeded againſt for contempt, except He or Shee be reſtrained or prevented by the Hand of God.

Lands, free Lands.

IT is alſo Ordered, and by this Court Declared, That all our Lands and Heritages ſhall be free from all Fines and Licenſes, upon Alienations, and from all Hariots, Wardſhips, Liveries, Primerſeizins, year, day and waſte, Eſcheats and forfeitures upon the Death of Parents or Anceſtors, natural, unnatural, caſual or judicial and that for ever. [*1641.*]

LEATHER.

THis Court conſidering the ſeveral Deceits and Abuſes which in other places have been, and are commonly practiſed by the Tanners, Curriers, and workers of Leather, as alſo the abuſes and inconveniences which accrue to the ſeveral Members of this Common-wealth, by Leather not ſufficiently Tanned and Wrought, which is occaſioned by the negligence and unskilfulneſs of thoſe ſeveral Trades-men, which before, in and after, it is in the hand of the Tanner may be much bettered or impaired; for prevention whereof;

Butchers, Curriers may not Tan

It is Ordered by this Court and the Authority thereof; That no perſon uſing or occupying the Feat and Myſtery of a *Butcher, Currier or Shoomaker* by himſelf or any other, ſhall uſe or exerciſe the Feat or Myſtery of a *Tanner*, on pain of the forfeiture of *ſix ſhillings eight pence* for every Hide or Skin by him or them ſo Tanned, whileſt he or they ſhall uſe or occupy any of the Myſteries aforeſaid.

Nor ſhall any *Tanner* durirg his uſing the ſaid Trade of Tanning, uſe or occupy the Feat or Myſtery of either *Butcher, Currier*, or *Shoomaker*, by himſelf or any other, upon pain of the like forfeiture.

Nor

Nor ſhall any Butcher by himſelf or any other perſon, Gaſh or Cut any hide of Oxe, Bull, Steer, or Cow, in fleaing thereof, or otherwiſe, whereby the ſame ſhall be impaired or hurt, on pain of forfeiting *twelve pence* for any ſuch Gaſh, or Cut in any Hide or Skin. Gaſhing of hides forfeit 12 d.

Nor ſhall any perſon or perſons henceforth, Bargain, Buy, make any Contract, or beſpeak any rough Hide of Oxe, Bull, Steer or Cow, in the Hair, but only ſuch perſons as have and do uſe and exerciſe the Art of Tanning. Only Tanners may buy raw hides

2. Nor ſhall any perſon or perſons, uſing or which ſhall uſe the Myſtery or faculty of Tanning at any time or times hereafter, offer to put to ſale any kinde of Leather, which ſhall be inſufficiently or not throughly Tanned, or which hath been over limed, or burnt in the limes, or which ſhall not have been after the Tanning thereof, well and throughly dryed, upon pain of forfeiting that whole Hide, half Hide, or other piece of Leather, wherein one *ſixteenth part* ſhall be found by the Searcher or Sealer of Leather (lawfully appointed) to be either over-limed or inſufficiently Tanned, or not throughly dried as aforeſaid. Leather not to be overlimed or inſufficiently Tanned *Penalty.*

Nor ſhall any perſon uſing the Myſtery of Tanning as aforeſaid, ſet any of their Fats in Tan-hills, or other places where the Woozes or Leather put to Tanne in the ſame, ſhall or may take any unkinde heats, nor ſhall put any Leather into any hot or warm Woozes whatſoever, on pain of *twenty pounds* for every ſuch offence.

3. Nor ſhall any perſon or perſons, uſing or occupying the Myſtery or faculty of Currying, Curry any kinde of Leather, except it be well and throughly Tanned; nor ſhall Curry any Hide being not throughly dried after his wet ſeaſon, in which wet ſeaſon, he ſhall not uſe any ſtale, urine, or any other deceitful or ſubtile mixture, thing, way or means, to corrupt or hurt the ſame; nor ſhall Curry any Leather meet for outer ſole Leather with any other then good hard Tallow, nor with any leſs of that then the Leather will receive; nor ſhall Curry any kinde of Leather meet for upper Leather and inward Soles, but with good and ſufficient ſtuffe, being freſh, and not ſalt, and throughly liquored, till it will receive no more; nor ſhall burn or ſcald any Hide or Leather in the Currying, but ſhall work the ſame ſufficiently in all points and reſpects, on pain of forfeiture for every ſuch offence, or act done contrary to the true meaning of this Order, the full value of every ſuch Hide marred by his evil Workmanſhip or Handling, which ſhall be judged by two or more ſufficient and honeſt skilful perſons, Curriers or others on their Oath given to them for that end, by any Magiſtrate. Curriers duty *Penalty.*

4. And every Town where need is or ſhall be, ſhall chuſe one or two perſons of the moſt honeſt and skilful within their ſeveral Town-ſhips, and preſent them unto the County Court, or one Magiſtrate, who ſhall appoint and ſwear the ſaid perſons, by their diſcretion, to make ſearch and view within the precincts of their limits, in any Houſe, Shop or Ware-houſe, where they conceive ſuch Leather may be, whether wrought into Shoes, Boots, or otherwiſe, as oft as they ſhall think meet and need ſhall be, who ſhall have a Mark or Seal prepared by each Town for that purpoſe; and the ſaid Searchers, or one of them ſhall keep the ſame, and therewith ſhall Seal ſuch Leather as they ſhall finde ſufficient in all reſpects and no other. And if the ſaid Searchers, or any of them, ſhall finde any Leather ſold or offered to be ſold, brought or offered to be Searched or Sealed, which Searchers of Leather to be ſworn *n. 51. p. 9.*

To ſeize all defective Leather.

ſhall be Tanned, Wrought, Converted or Uſed contrary to the true intent and meaning of this Order:

It ſhall be lawful for the ſaid Searchers or any of them to ſeize all ſuch Leather and to retain the ſame in their cuſtody, and if the owner ſhall not ſubmit to the Judgement of the Officer or Officers, the ſaid Officer ſo ſeizing the ſame, ſhall within three dayes, call to him four or ſix men, honeſt and skilful in ſuch ware to view the ſame in the preſence of the party (or without him having notice thereof) who ſhall certifie upon their Oaths unto the next County Court of that Shire, or unto one of the Magiſtrates the defect of the ſaid Leather.

Searching Leather made into Shoos & Boots.

The like power ſhall the ſaid Searchers have, to ſearch all Leather wrought into Shoos or Boots, as alſo to ſeize all ſuch as they finde to be made of inſufficient Leather, or not well and ſufficiently wrought up:

Searchers default

And if any Searcher or Sealer of Leather, ſhall refuſe with convenient ſpeed, to ſeal any Leather ſufficiently Tanned, Wrought and Uſed according to the true meaning of this Order, or ſhall Seal that which ſhall be inſufficient, then every ſuch Searcher and Sealer of Leather, ſhall forfeit for every ſuch offence, the full value of ſo much as ſhall be inſufficiently Tanned.

Penalty

Fees.

And the Fees for Searching and Sealing of Leather, ſhall be *one penny* a Hide for any parcel leſs then *five*, and for all other parcels, after the rate of *ſixpence a Dickar*, which the Tanner ſhall pay upon the Sealing of the ſaid Leather from time to time.

5. Laſtly, It is Ordered by the Authority aforeſaid, That the ſeveral fines and forfeitures in this Order mentioned, ſhall be equally divided into three parts and diſtributed, as, *viz.* one third part to the common Treaſury of the Shire wherein the offence is committed, another third part to the common Treaſury of the Town ſhip where the offender inhabiteth, and the other third part to the Seizer or Seizers of ſuch Leather, Shoos, or Boots as is inſufficiently Tanned, Curried, or Wrought from time to time. [*1642, 51.*]

Liberties Common.

Liberty at publick Aſſemblies

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, ſhall have liberty to come to any publick Court, Council or Town meeting, and either by ſpeech or writing, to move any lawful, ſeaſonable or material Queſtion, or to preſent any neceſſary Motion, Complaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, ſo it be done in convenient time, due Order and reſpective Manner. [*1641.*]

Fiſhing and Fowling

2 Every Inhabitant who is an Houſe holder, ſhall have free Fiſhing and Fowling in any great Ponds, Bayes, Coves and Rivers, ſo far as the Sea

Sea Ebbes and Flows within the precincts of the Town where they dwell, unleſs the Freemen of the ſame Town or the General Court have otherwiſe appropriated them:

Provided, that no Town ſhall appropriate to any particular perſon or perſons, any great Pond, containing more then ten Acres of Land, and that no man ſhall come upon anothers propriety without their leave, otherwiſe then as hereafter expreſſed.

The which clearly to determine;

It is Declared, That in all Creeks, Coves and other places about and upon Salt-water, where the Sea Ebbs and Flows, the Proprietor, or the Land adjoyning, ſhall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more whereſoever it Ebbs further,

Provided that ſuch Proprietor, ſhall not by this liberty have power to ſtop or hinder the paſſage of Boats or other Veſſels, in or through any Sea, Creeks or Coves, to other mens Houſes or Lands.

Liberty to paſs through propriety to fiſh & fowl

And for great Ponds lying in Common, though within the Bounds of ſome Town, it ſhall be free for any man to fiſh and fowle there, and may paſs and repaſs on foot through any mans propriety for that end, ſo they treſpaſs not upon any mans Corn or Meadow. [*1641, 47*]

Liberty to remove out of the Jurisdiction

3. Every man of, or within this Juriſdiction, ſhall have free liberty (notwithſtanding any Civil Power) to remove both himſelf and his Family, at their pleaſure out of the ſame, Provided there be no legal impediment to the contrary. [*1641.*]

LYING.

WHereas Truth in Words, as well as in Actions is required of all men, eſpecially of Chriſtians, who are the profeſſed Servants of the God of Truth; And whereas all Lying is contrary to Truth, and ſome ſort of Lies are not only ſinful (as all Lyes are) but alſo pernicious to the publick Weal, and injurious to particular perſons;

Age of diſcretion 14 years

It is therefore Ordered by this Court and Authority thereof, That every perſon of the age, of diſcretion (which is accounted *fourteen years*) who ſhall wittingly and willingly make, or publiſh any Lye, which may be pernicious to the Publick Weal, or tending to the damage or injury of any particular perſon, or with intent to deceive and abuſe the People with falſe News and Reports, and the ſame duely proved in any Court, or before any one Magiſtrate (who hath hereby power granted to hear and determine all offences againſt this Law) ſuch perſon ſhall be fined for the firſt offence *ten ſhillings*, or if the party be unable to pay the ſame, then to be ſet in the Stocks, ſo long as the ſaid Court or Magiſtrate ſhall appoint in ſome open place, not exceeding two hours.

First offence 10.s. or ſtock.

Second offence 20.s. or whipt

For the ſecond offence in that kinde, whereof any ſhall be legally convicted, ſhall pay the ſum of *twenty ſhillings* or be whipped upon the naked Body, not exceeding *ten ſtripes*.

Third offence
Fourth offence

And for the third offence *forty ſhillings*, or if the party be unable to pay, then to be whipped with more ſtripes, not exceeding *fifteen*.

And if yet any ſhall offend in like kinde, and be legally convicted thereof, ſuch perſon Male or Female, ſhall be fined *ten ſhillings* a time more then formerly, or if the party ſo offending be unable to pay, then to be whipt with five or ſix more ſtripes then formerly, not exceeding *forty* at any time.

The aforeſaid fines ſhall be leavied, or ſtripes inflicted either by the Marſhal of that Juriſdiction, or Conſtable of the Town where the offence is committed, according as the Court or Magiſtrate ſhall direct.

And ſuch fines ſo leavied ſhall be paid to the Treaſury of the Shire where the cauſe is tryed.

Liberty to Appeal
If cauſeleſs doubly fined

And if any perſon ſhall finde himſelf grieved with the Sentence of any ſuch Magiſtrate out of Court, he may Appeal to the next Court of the ſame Shire, giving ſufficient ſecurity to proſecute his Appeal, and abide the Order of the Court, and if the ſaid Court ſhall judge his Appeal cauſeleſs, he ſhall be double fined, and pay the charges of the Court during his Action, or corrected by whipping as aforeſaid, not exceeding *forty ſtripes*, and pay the coſts of the Court, and party complaining or informing, and of the Witneſſes in the caſe.

Under age to be corrected by Parents

And for all ſuch as being under age of diſcretion, that ſhall offend in Lying contrary to this Order, their Parents or Maſters ſhall give them due correction, and that in the preſence of ſome Officer, if any Magiſtrate ſhall ſo appoint; Provided alwayes, that no perſon ſhall be barred of his juſt action of ſlander, or otherwiſe, by any proceeding upon this Order. [*1645.*]

MAN-SLAUGHTER.

A man may kill in his own defence

IT is Ordered by this Court and the Authority thereof; That if any perſon in the juſt and neceſſary defence of his life, or the life of any other, ſhall kill any perſon attempting to Rob or Murther in the Field or Highway, or to break into any dwelling houſe, if he conceive he cannot with ſafety of his own perſon otherwiſe take the Felon or Aſſailant, or bring him to Tryal, he ſhall be holden blameleſs. [*1647.*]

MARITIME AFFAIRES.

WHereas through the Bleſſing of God upon this Juriſdiction, the Navagation and Maritime Affaires thereof, is grown to be a conſiderable Intereſt, the well management whereof, is of great concernment to the publick Weal; For the better Ordering the ſame for the future, and that there may be known Laws and Rules for all ſorts of perſons imployed therein, according to their ſeveral ſtations and capacities, and that there may be one Rule for the guidance of all Courts in their proceedings, in diſtributive Juſtice;

This Court doth Order and be it Ordered by the Authority thereof;

SECT. I.

That whereas there is many times differences between Owners of Ships, Ketches, Barques and other Veſſels, in ſetting forth their ſeveral parts, whereby damage doth accrue to the particular concernment of Owners, and if not prevented, may be a great obſtruction of Trade, where there are ſeveral Owners concerned, as Owners in Ship, Ketch, Barque or other Veſſel whatſoever, uſed for Traffick, Commerce, Fiſhing, Logge, Board, Wood or Stone, Carriage upon Salt or Freſh water, all ſuch Owners of leſſer part, ſhall be concluded for the ſetting forth of his part, by the major part of the whole concerned, ſuch Owners ſo concluded, having notice given them of the meeting for ſuch concluſion, if they be nigh hand; and in caſe of any Owner refuſing, or by reaſon of neglect or abſence, or not able to provide for the ſetting forth his part, the Maſter of ſuch Ship or Veſſel may take up upon the Bottome, for the ſetting forth of the ſaid part, the which being defrayed, the remainder of the income of ſuch part to be paid by the Maſter to the ſaid Owner.

Minor part owners to be concluded by the major part

SECT. II.

And in caſe of Fraightment, where any Owner ſhall refuſe to aſſent to the letting out of Ship or Veſſel, where he is intereſſed, ſuch diſſenter ſhall manifeſt it by ſome publick act of proteſt, before the ſigning of charter party, except the Maſter or the reſt of the Owners, or both, conceal from him or them their actings, then his or their proteſt after charter party ſigned by themſelves or agents, ſhall be taken for legal diſſent, yet not to hinder the proceed of the Ship or Veſſel, but that thoſe ſo ſending her forth

Owners refuſing to ſigne charter party to make publick proteſt, &c.

ſhall be liable to reſpond his part upon enſurance according to the Cuſtome of Merchants, which enſurance is to be defalked out of that part of hire, due for ſuch owners which diſſented.

SECT. III.

Whereas Maſters of Ships or other Veſſels, have their Owners live part in one Country and part in another, whereby they have in themſelves not only oportunity; and ſome have made uſe thereof in their own perſons, to repreſent the major part of the Owners in the place where he comes;

Maſters to have but ſingle votes.

It is therefore Ordered, that ſuch Maſter ſhall not be taken to have Vote in the ordering of ſuch Veſſel further then his own intereſt, except he make it appear to the reſt of the Owners, where he is, that he is Authorized under the hands of ſuch Owners abſent, and then he is to have Votes according to the proportion of parts he ſo ſtands for, and the majority of parts are to carry it as before; nevertheleſs it is to be-underſtood, that any Owner hath power to make ſale of his part, either to the reſt of the Owners, or others, as may be moſt to his own advantage, and if any Maſter ſhall preſume to act contrary hereunto, what damage ſhall be ſuſtained by the reſt of the Owners, the Maſter ſhall be liable to make good, it being duely proved againſt him.

SECT. IV.

Penalty of Maſters and Marriners non-attendance on board

All Maſters taking charge, as Maſters of Ships or other Veſſels, and not being ſufficient to diſcharge his place, or that through negligence, or otherwiſe, ſhall imbezel the Owners or Imployers Stock, or time, or that ſhall ſuffer his men to neglect their due attendance on board, both by day and night, eſpecially when or whileſt Merchants Goods are on board, and that Himſelf or Mate be not on board every night, to ſee good Orders kept, upon defect therein, ſuch Maſter ſhall be liable to pay the damage that ſhall accrue by ſuch neglect, it being duely proved againſt him.

SECT. V.

Maſters to make particular agreement with Seamen

For the Maſters better ſecuring their men to them, and to prevent all Coven, they ſhall make clear agreements with their Marriners, and Officers for their wages, and thoſe agreements enter into a Book, and take the ſeveral mens hands thereto, a copy whereof the Maſter as a Portlige Bill ſhall leave with their Owners if required of them, before their ſetting ſaile upon the Voyage, and all ſuch agreements, the Maſter ſhall make good to the Sea-men, and ſuch Ship or Veſſel as they ſaile in, ſhall be liable for to make good the ſame.

Sect.

SECT. VI.

All Maſters of greater or leſſer Veſſels, ſhall make due and meet proviſions of Victuals and Drink for their Sea-men, or Paſſengers, according to the laudable cuſtome of our Engliſh Nation, as the Cuſtome and Capacity of the places they ſaile from will admit, upon penalty of paying damages ſuſtained for neglect thereof.

Maſters to make due proviſione &c

SECT. VII.

That no Maſter ſhall Ship any Sea-man or Marriner that is ſhipt before by another Maſter or Imployer upon a Voyage, nor ſhall any Sea-man ſhip himſelf to any other man, until he be diſcharged from him that ſhipt him firſt, upon penalty of him that entertains him to pay one months pay, that ſuch Sea-man agrees for, as alſo of ſuch Sea-man ſhipping himſelf to pay one months pay that he agrees for; the half thereof to be paid to the uſe of the poor of the Town or place where the offence is committed, the other half to the complainer or informer.

No Maſters to entertain Sea-men not diſcharged

Nor Sea-men to puter themſelves till cleered &c

SECT. VIII.

No Maſter of Ship or Veſſel ſhall ſaile into any Haven or Port, except neceſſitated thereunto by Wind or Weather, or for want of proviſion, or for ſecurity from Pirates, but ſuch Port as by charter party, or his Bill of Lading he is bound unto, until he hath delivered his Goods according to his engagement; and in caſe any Maſter ſhall take in goods for more Ports and Places then one, he ſhall declare himſelf ſo to do, to to thoſe that Fraight upon him, and in caſe he ſhall voluntarily go to any other Port or Harbour then he is obliged to as above; if damage to the Merchants goods happen thereby, ſuch Maſter ſhall make good the ſame, it being duely proved againſt him.

Maſters prohibited from ſailing into any Port but what bound to.

SECT. IX

Any Maſter hired out or imployed by his Owners upon any Voyage, receiving advice from his imployers, that the alteration of the Voyage when they are abroad, may be much for their ſecurity and advantage, by going to ſome other port, the Maſter ſeeing meet to cloſe with that advice, the Marriners ſhall not hinder his proceed, unleſs where any of the Sea-men ſhall have made a particular contract with the Maſter to the Contrary,

Maſters may alter their voyages in caſe

Sea-mans Contracts, to ſtand good

Provided that they be not carried to ſtay out above one year, nor be carried to any place where they may be liable to be preſſed into a ſervice they are not willing unto.

SECT. X.

Maſters to pay wages according to agreement.

Maſters ſhall ſee that their Officers and Marriners be duely paid their Wages according to agreement made with them, upon the finiſhing of their Voyage, without delay or trouble, upon penalty of paying damages for neglect, and all coſts that the Sea men ſhall be at for recovering the ſame.

SECT. XI.

Whereas many times Maſters take in Merchants Goods on board their Ships or Veſſels upon Fraight, when yet they are not meetly fitted with ſuitable Tackling and Sea-men for the ſecurity of ſuch Ships or Veſſels, and Goods;

Maſters, Ships & Seamen to bear loſs of goods damnified by their neglect or want of Ground tacle

It is Ordered, That in caſe any Maſter of Ship or Veſſel, after he hath Laden upon his Ship or Veſſel any Merchants Goods to be tranſported, ſhall for want of ſufficient ground tackle (if to be had) or becauſe of want of ſufficient men being on board, come a ſhore to the damage of ſuch Merchants or Fraighters in their Goods, the Ship ſhall be liable to make good ſuch damages; and in caſe the defect appear to be in the Maſter and Men both, or either, the Owners ſhall recover ſuch damage from them.

SECT. XII.

Damage upon goods when ſhips fall foul

Where any Ship-Maſter hath Mored his Ship or Veſſel, none other ſhall come ſo near to him firſt Mored as to do him damage, or receive damage by him, upon the penalty of him ſo comeing, to make good all the damage, and to be farther puniſhed if wilfulneſs or perverſeneſs in the action be proved againſt him.

SECT. XIII.

In caſe any Maſter of Ship or Veſſel under ſaile, ſhall run on board any other Ship or Veſſel at an Anchor, and damnifie him, the party offending ſhall pay the damage; and ſuch Ship or Veſſel as he ſailes in ſhall be liable to arreſt for the making good the damage, the damage to be judged by indifferent men, appointed by the Judges thereof, unleſs the parties agree among themſelves

Maſters Running on board any Ship at Anchor, &c.

SECT. XIV.

In caſe of loſs of Goods by reaſon of throwing ſome over board to caſe the Veſſel to ſave the reſt, the Goods thrown over board, ſhall not be done without the Maſter and major part of the companies conſent, or at leaſt of the Officers with the Maſter, which Goods ſhall be brought into an Avarage, and the whole loſs to be born by Ship, and Goods, and Wages in proportion that are ſaved, The like courſe ſhall be for cutting of Maſts, and loſs thereof, or Boats, Cables or Anchors, as alſo of Riggin and ſailes, for the ſafety of the whole, the Merchants Goods are to bear a part of the loſs.

Goods thrown overboard by conſent of Maſters & Officers to be made good by an Avarage

SECT. XV.

In caſe a Ship or Veſſel, at ſetting forth proves deficient, and gives over the Voyage, the Charges the Merchant hath ſuſtained in Shipping and Landing his Goods, ſhall be born by the Maſter and Owners of ſuch Veſſel, that preſumes to take Goods into an inſufficient Bottom.

Damage by an inſufficient bottome

SECT. XVI.

Any Ship or Veſſel at Sea, receiving damage by the Maſters or Marriners negligence, yet bringeth the Merchants Goods home, and delivereth them according to Bills of Lading, he ſhall receive his fraight, but if the Goods be damnified, the Maſter or Marriners ſhall make good the damage.

Damage at Sea

SECT. XVII.

Damage by ships breaking looſe

If any Ship or Veſſel in ſtorm, ſhall break looſe and fall upon another, and do her damage for want of ground tackle, the Ship breaking looſe ſhall make good the damage; but if it appear the Maſter, or Marriners, or both, are negligent of freſhing their Hoaſe, or clearing their Cables, they ſhall pay the damage for ſuch neglect.

SECT. XVIII.

Marriners abſent without leave

All Marriners being ſhipt upon a Voyage, and in pay, they ſhall duely attend the ſervice of the Maſters Ship or Veſſel for the Voyage, and not abſent themſelves day or night without leave from the Maſter, upon forfeit for every offence *five ſhillings.*

SECT. XIX.

Officers or marriners unruliness

No Officers or Marriners ſhall be diſorderly or unruly, to occaſion diſturbance in the Ship or other Veſſel he is ſhipped upon, to hinder or damnifie the Voyage, to be proved by the Maſter or other Marriners, or both, upon penalty of paying the damage if able, and in caſe of inability to pay, to ſuffer Corporal puniſhment, as the nature of the offence may appear to the Judges, and in caſe Maſter or Marriners ſhall conceal the offences of ſuch, and refuſe to give in evidences therein, they ſhall be amerced or impriſoned, as the Judges ſhall ſee meet.

SECT. XX.

Ignorant Pilots or Officers

If any ſhall undertake the charge of Pilot, Boat-ſwain, Gunner, or any other Office, in Ship or other Veſſel, and not be able to diſcharge the duty of the place, ſuch ſhall loſe their Wages in part or in whole, and be further puniſhed for their preſumption, as the Judges ſhall ſee meet.

Sect

SECT. XXI.

All Marriners ſhall keep true Watch at Sea or in Harbour, as the Maſter ſhall appoint, upon pain of forfeit of *twelve pence* for every default, to be defalked out of their wages. Watch to be kept

SECT. XXII.

Any Marriner that hath entred upon a Voyage, and ſhall depart and leave the Voyage, ſhall forfeit all his wages, one half to the poor, the other half to the Maſter and Owners, and be further puniſhed by Impriſonment or otherwiſe as the caſe may be circumſtanced, to be judged by the Magiſtrate or Magiſtrates they are complained to, except ſuch Seaman ſhall ſhew juſt cauſe for his ſo leaving the Voyage, and ſhall procure an Order therefore from Authority. Marriners deſerting the Voyage

SECT. XXIII.

If any Marriner ſhall have received any conſiderable part of his wages, and ſhall run away from the Ship or Veſſel he belongs to, and decline the ſervice of the Maſter in the proſecution of the Voyage, he ſhall be purſued as a diſobedient Run-away ſervant, and proceeded with as ſuch a one. Runaway Marriners

SECT. XXIV.

If any Marriner ſhall entertain any Perſon or Perſons on Board the Ship or Veſſel he ſailes in, without the Maſters leave, or Maſters or Marriners, ſhall do it at unſeaſonable times, he or they ſhall forfeit *twenty ſhillings*, one half to the Poor, the other half to the Owners. Marriner entertaining without Maſters leave

SECT. XXV

Outrage upon the Maſter

No Sea-man, or Sea-men, or Officer ſhall commit any outrage upon the Maſter of any Ship or Veſſel, but thoſe ſo offending ſhall be ſeverely puniſhed, by fine or other Corporal puniſhment, as the fact ſhall appear to be circumſtanced to the Judges that ſhall hear it, and as they ſhall judge meet; If any Officers or Marriners ſhall combine againſt the Maſter, whereby the Voyage ſhall be diverted or hindred, or that damage thereby ſhall accrue to the Ship and Goods, they ſhall be puniſhed with loſs of Wages, or otherwiſe as mutiniers, as the caſe may require.

SECT. XXVI.

Ships in diſtreſs not to be left

In caſe any Ship or Veſſel be in diſtreſs at Sea, by Tempeſt or other accident, the Marriners ſhall do their utmoſt endeavour to aſſiſt the Maſter in ſaving Ship and Goods, and not deſert him without apparent hazard appear, that by their ſtaying they may loſe their lives.

SECT. XXVII.

Marriners to do their utmoſt in Shipwrack to ſave the Goods.

And in caſe of ſuffering Shipwrack, the Marriners are without diſpute upon their getting on ſhore, to do their utmoſt endeavours to ſave the Ship or Veſſel, Tackle and Apparel, as alſo the Merchants Goods as much as may; out of which they ſhall have a meet compenſation for their hazard and pains: and any upon conviction of negligence herein ſhall be puniſhed.

Marriages and Married Perſons.

IT is Ordered by this Court and Authority thereof; That no man ſhall ſtrike his Wife, nor any Woman her Husband, on penalty of ſuch fine not exceeding *ten pounds* for one offence, or ſuch Corporal puniſhment as the County Court ſhall determine. *L. 2 p. 17.*

2. *For prevention of all unlawful Marriages*;

It is Ordered, That henceforth no perſon ſhall be joyned in Marriage, before the intention of the parties proceeding therein, hath been three times publiſhed, at ſome time of publick Lecture or Town-meeting, in both the Towns where the parties or either of them do ordinarily reſide, or be ſet up in Writeing upon ſome poſt of their Meeting houſe door in publick view, there to ſtand ſo as it may eaſily be read, by the ſpace of *fourteen dayes.* [1639.] Three times publiſhed or poſted 14 dayes

3. *And whereas God hath committed the care and power into the hands of Parents for the diſpoſing their Children in Marriage, ſo that it is againſt Rule to ſeek to draw away the affections of young Maidens, under pretence of purpoſe of Marriage, before their Parents have given way and allowance in that reſpect; And whereas it is a common practiſe in divers places, for young men irregularly and diſorderly to watch all advantages for their evil purpoſes, to inſinuate into the affections of young Maidens, by coming to them in places and ſeaſons unknown to their Parents for ſuch ends, whereby much evil hath grown amongſt us, to the diſhonour of God, and damage of parties; For prevention whereof for-time to come;*

It is further Ordered, That whatſoever perſon from henceforth, ſhall endeavour directly or indirectly, to draw away the Affection of any Maid in this Juriſdiction, under pretence of Marriage, before he hath obtained liberty and allowance from her Parents or Governours (or in abſence of ſuch) of the neareſt Magiſtrate, he ſhall forfeit for the firſt offence *five pounds*, for the ſecond towards the party *ten pounds*, and be bound to forbare any further attempt and proceedings in that unlawful deſign, without or againſt the allowance aforeſaid; And for the third offence upon information or complaint by ſuch Parents or Governours to any Magiſtrate, giving Bond to proſecute the party, he ſhall be committed to priſon, and upon hearing and Conviction by the next Court, ſhall be adjudged to continue in Priſon, until the Court of Aſſiſtants ſhall ſee cauſe to releaſe him. [*1647.*] No motion of Marriage to be made to any maid without conſent of Parents Penalty 5. li.

4. *Whereas divers perſons, both Men and Women, living within this juriſdiction, whoſe Wives and Husbands are in England, or elſe where, by means whereof, they live under great temptations here, and ſome of them committing lewdneſs and filthineſs here amongſt us, others make love to Women and attempt Marriage, and ſome have attained it, and ſome of them live under ſuſpition of uncleanneſs, and all to the great diſhonour of God, reproach of Religion, Common-wealth and Churches;*

It is therefore Ordered by this Court and Authority thereof, for the prevention of all ſuch future evils, That all ſuch married perſons as aforeſaid, ſhall repair to their ſaid Relations by the firſt oportunity of ſhipping, upon the pain or penalty of *twenty pounds*. except they can ſhew juſt cauſe to the contrary to the next County Court, or Court of Aſſiſtants, after they are Summoned by the Conſtable Married perſons to go to their relations upon pain of 20 li.

Conſtable there to appear, who are hereby required ſo to do, upon pain of *twenty ſhillings* for every ſuch default wittingly made:

Conſt. to preſent ſuch to Court

Provided this Order do not extend to ſuch as are come over to make way for their families, or are in a tranſient way, only for Traffick or Merchandize for ſome ſmall time. [*1647.*]

5. *As the Ordinance of Marriage is honourable amongſt all, ſo ſhould it be accordingly ſolemnized;*

It is therefore Ordered by this Court and Authority thereof; That no perſon whatſoever in this Juriſdiction, ſhall joyn any perſons together in Marriage, but the Magiſtrate, or ſuch other as the General Court, or Court of Aſſiſtants ſhall Authorize in ſuch place, where no Magiſtrate is near.

Who may ſolemniz. Marriage

Nor ſhall any joyn themſelves in Marriage, but before ſome Magiſtrate or perſon Authorized as aforeſaid.

Nor ſhall any Magiſtrate or other perſon Authorized as aforeſaid, joyne any perſons together in Marriage, or ſuffer them to joyne together in Marriage in their preſence, before the parties to be Married have been publiſhed according to Law. [*1646.*]

Not before publication

IN Anſwer to the Queſtion; *Whether it be lawful for a Man that hath buried his firſt Wife, to Marry with her that was his firſt Wives natural Siſter?* The Court reſolves it on the Negative. [*1679.*]

MARSHAL.

L. 1. p. 38, 57.

IT is Ordered by this Court and Authority thereof; That every Marſhal ſhall diligently and faithfully Collect and Leavy all ſuch fines and ſums of Money, of every perſon for which he ſhall have Warrant from the reſpective Treaſurers, or other Authority, which he ſhall return to the ſaid Treaſurer with all convenient ſpeed, upon penalty of forfeiting *two ſhillings* out of his own Eſtate, for every Pound not Collected or Returned as aforeſaid, or ſuch fine as any Court ſhall impoſe upon him for his neglect.

Marſhal to leavy all Fines

2. And every Marſhal ſhall with all ſpeed and faithfulneſs Leavy the Goods of every perſon for which he ſhall have Warrant, by virtue of any Execution granted and ſigned by the Secretary, or other Clerk Authorized thereunto; and the ſaid Goods ſo Leavied, ſhall with all convenient ſpeed, deliver to the Party or Attorney that obtained the Judgement and Execution, or be liable to make full ſatisfaction to the party for all damage ſuſtained by his neglect.

To ſerve all Executions

And the ſaid Marſhal ſhall, within two Months after the receipt of any ſuch Execution, make Return of the ſaid Execution, with what he hath done by virtue thereof under his hand to the Clerk that granted the ſame,

To return Execution to the Clerk

to

to be by him kept and Recorded; and if the Execution be not fully ſatisfied, the ſaid Clerk ſhall at the requeſt of the party, grant Execution for the remainder:

And every Marſhal neglecting to make return of Executions as aforeſaid, ſhall forfeit double to the damage any perſon concerned therein may ſuſtain by ſuch neglect.

3. Further the ſaid Marſhals ſhall with like care and faithfulneſs, ſerve all Attachments directed to them, and return the ſame to the Courts to which they are returnable at the times of the returns thereof, and henceforth no Marſhal ſhall be Clerk or Recorder of any Court. *L. 1. p. 50.* Marſhal not to be Clerk.

4. And it is hereby Ordered, That the Marſhals Fees ſhall be *twelve pence in the pound*, to be paid by the reſpective Treaſurers, for all fines leavied by the ſaid Marſhals, and returned to the ſaid Treaſurers, and for ſerving Attachments within one mile *one ſhilling three pence*, to be paid by the party that imploys them; and for ſerving Executions *twelve pence in the pound*, for all ſums not exceeding *ten pounds*, and for all ſums above *ten pounds* and not exceeding *forty pounds*, *ſixpence in the pound more*, and for all ſums above *forty pounds*, and not exceeding *one hundred pounds*, *three pence in the pound more*, and *one penny in the pound more* for all ſums above *one hundred pounds*, out of the Eſtate of the perſon the Execution is ſerved upon, over and above for the execution. *L. 2. p. 7.* Marſhals Fees

And in all caſes, where the aforeſaid Fees for Leavying Executions or Fines, will not anſwer the Marſhals travail, and other neceſſary charges, the Marſhal or other Officer imployed, ſhall have power to demand *ſix pence* per mile, and upon refuſal, to Leavy the ſame together with his other Fees.

5. And it is Ordered, That all Marſhals and Conſtables within this Juriſdiction, ſhall henceforth from time to time, allow and pay unto the Marſhal General *three pence* out of every *fifteen pence* they receive for ſerving Attachments, alſo *three pence* out of every *ſhilling* due to them, for Leavying of Fines and Executions. *A. 53. p. 20*

And it is further Ordered, That the ſaid Marſhal General, ſhall from time to time have, and enjoy to his own uſe and benefit, the Cuſtome of *two pence per quart* upon all ſuch as do, or ſhall Retail ſtrong waters, and all ſuch as ſhall ſell under one Gallon at a time, ſhall be accounted Retailers, whether Licenſed or not, and the one half of the fine of *five pounds* of all ſuch perſons as ſhall upon his information or complaint be convicted to have ſold ſtrong waters without Licenſe; as alſo the ſole benefit of the Impoſt of all ſtrong waters brought into the Country, which this Court doth allow as a meet Incouragement and Sallary for the ſervice of the ſaid Marſhal General. Marſhal General his Fees

6. *Whereas the Marſhals and their Deputies have often need of Aſſiſtants in the execution of their Office*; *L. 1. p. 10.*

It is Ordered that they and every of them, have and ſhall have the ſame power to enjoyne and charge any perſon to aid them and aſſiſt them therein as every Conſtable hath, and whoſoever ſhall refuſe, or not yield Obedience thereto, ſhall incur the like penalty that thoſe do or ſhould do, that Refuſe to aid the Conſtable in his Office. Marſhal may require aid as the Conſtable may

7. And upon caſes of Fines and Aſſeſsments to be Leavied, and upon Executions *L. 1. p. 45.*

Officer may break open doors or cheſts

Execution in civil Actions, the Marſhal or other Officer ſhall demand the ſame of the party at his houſe or place of uſual abode, and upon refuſal or non-paiment, he ſhall have power (calling aſſiſtance if he ſee cauſe) to break open the door of any Houſe, Cheſt, or place where he ſhall have notice, that any Goods liable to ſuch Leavie or Execution ſhall be, and if he be to take the perſon, he may do the like, if upon demand he ſhall refuſe to render himſelf.

Neceſſary charges to be leavied

8. And whatever charges the Officer ſhall neceſſarily be put unto, upon any ſuch occaſion, he ſhall have power to leavie the ſame as he doth the Debt, Fine or Execution, and where the Officer ſhall leavie any ſuch Goods upon Execution, as cannot be conveyed to the place where the party dwells, for whom ſuch Execution ſhall be leavied without conſiderable charge, he ſhall leavie the ſaid charge alſo with the Execution.

Goods exempt from Execution

The like Order ſhall be obſerved in leavying of fines, Provided, it ſhall not be lawful for ſuch Officer to leavie any mans neceſſary Bedding, Apparel, Tools, or Arms; neither Implements of Houſe-hold, which are for the neceſſary upholding of his life, but in ſuch caſes, he ſhall leavie his land or perſon according to Law, and in no caſe ſhall the Officer be put to ſeek out any mans eſtate further then his place of abode, but if the party will not diſcover his Goods or Lands, the Officer may take his perſon.

Officer doing wrong to make ſatisfaction

9. And it is Ordered, That if any Officer ſhall do injury to any by colour of his Office, in theſe or any other caſes, he ſhall be liable upon complaint of the party wronged, by Action or information, to make full reſtitution. [*1647.*]

Maſters, Servants, Labourers.

Servants not to give or truck

IT is Ordered by this Court and the Authority thereof, That no ſervant either Man or Maid, ſhall either give, ſell or truck any Commodity whatſoever without Licenſe from their Maſters, during the time of their ſervice, under pain of fine, or corporal puniſhment, at the diſcretion of the Court as the offence ſhall deſerve.

Work the whole day

2. And that all Workmen, ſhall work the whole day, allowing convenient time for food and reſt

Servants run away to be purſued

3 It is alſo Ordered, That when any Servants ſhall run from their Maſters, or any other Inhabitants ſhall privily go away with ſuſpition of evil intentions, it ſhall be lawful for the next Magiſtrate or the Conſtable and two of the chief Inhabitants where no Magiſtrate is, to preſs Men and Boats or Pinnaces at the publick charge, to purſue ſuch perſons by Sea and Land, and bring them back by force of Arms.

4. It is alſo Ordered by the Authority aforeſaid: That the Freemen of

of every Town, may from time to time as occaſion ſhall require, agree amongſt themſelves about the prizes and rates of all workmens labour, and ſervants wages. And every perſon inhabiting in any Town, whether Workmen, Labourer or Servant, ſhall be bound to the ſame Rates, which the ſaid Freemen, or the greater part ſhall binde themſelves unto, and whoſoever ſhall exceed thoſe Rates ſo agreed, ſhall be puniſhed by the diſcretion of the Court of that Shire, according to the quality and meaſure of the offence; And if any Town ſhall have any cauſe of complaint againſt the Freemen of any other Town, for allowing greater Rates or wages then themſelves, the County Court of that Shire ſhall from time to time, ſet order therein.

Wages to be ſet by the Freemen in Towns

5 *And for ſervants and workmens wages*;
It is Ordered, That they may be paid in Corn, to be valued by two indifferent Freemen choſen, the one by the Maſter the other by the Servant or Workman, who alſo are to have reſpect to the value of the work or ſervice, and if they cannot agree, then a third man ſhall be choſen by the next Magiſtrate, or if no Magiſtrate be in the Town, then by the next Conſtable, unleſs the parties agree the price themſelves; Provided, if any Servant or Workmen agree for any particular payment, then to be paid in ſpecie, or conſideration for default therein; And for all other payments in Corn, if the parties cannot agree, they ſhall chooſe two indifferent men, and if they cannot agree, then a third as before.

Wages to be paid in Corn

to be valued

6. It is Ordered, and by this Court Declared; That if any Servant ſhall flee from the Tyrany and Cruelty of his or her Maſter, to the Houſe of any Freeman of the ſame Town, they ſhall be there protected and ſuſtained till due order be taken for their Relief; Provided due notice thereof be ſpeedily given to their Maſter from whom they fled, and to the next Magiſtrate or Conſtable where the party ſo fled is Harboured.

Servants flying cruelty of Maſt may be harboured

7. Alſo that no Servant ſhall be put off for above a year to any other, neither in the life time of their Maſter, nor after their death by their Executors or Adminiſtrators, unleſs it be by conſent of Authority aſſembled in ſome Court, or two Aſſiſtants, or otherwiſe all, and every ſuch Aſſignement to be void in Law.

Servants not put off without allowance of 2 Mag.

8. And if any man ſmite out the Eye or Tooth of his Man-ſervant or Maid-ſervant, or otherwiſe maim or much diſfigure them (unleſs it be by meer caſualty) he ſhall let them go free from his ſervice, and ſhall allow ſuch further Recompence as the Court ſhall adjudge him.

Servants maimed to be diſcharged

9. And all ſervants that have ſerved diligently and faithfully, to the benefit of their Maſters, Seven years, ſhall not be ſent away empty; And if any have been unfaithful, negligent or unprofitable in their ſervice, notwithſtanding the good uſage of their Maſters, they ſhall not be diſmiſſed, till they have made ſatisfaction according to the judgement of Authority. [*1630, 33, 35, 36, 41.*]

Faithful ſervants reward

unfaithful puniſhed

MALT.

A. 52. p. 12. IT is Ordered, That no Malſter or maker of Malt, ſhall henceforth deliver or paſs away any Malt by him or his procurement made before it be cleanſed from the duſt and taile, which ariſeth in the Malting, drying and ordering it in his hands, on penalty of *twelve pence per Buſhel*, upon conviction before any Magiſtrate or Court, the one half to the Informer, the other half to the Country.

Malt to be cleanſed from duſt

A. 55. *This Court taking into ſerious conſideration the great neceſſity of upholding the ſtaple Commodities of this Country, for the ſupply and ſupport of the Inhabitants thereof, and finding by experience the bringing in of Malt, Wheat, Barly, Biſket, Beef, Meal and Flower, (which are the principal Commodities of this Country) from forreign parts, to be exceeding prejudicial to the ſubſiſtance of this place and people here;*

No Malt, Wheat, Biſket, Beef to be brought on penalty of confiſcation

Have therefore Ordered; That no perſon whatſoever, either Inhabitant or Stranger, ſhall directly or indirectly after the firſt of March next, import into this Juriſdiction from any part of *Europe*, any of the aforeſaid Proviſions, under the penalty of Confiſcation of the ſame (except it be for the Ships proviſions) that ſhall be ſo imported, landed, ſet to ſaile or otherwiſe diſpoſed, contrary to the intent of this Order.

Marſhal or Conſtable to ſeize it.

And it is further Ordered and Enacted, That all Marſhals and Conſtables where no Maſhal is in the ſeveral Towns in this Juriſdiction, are hereby required and impowred to make diligent ſearch, within their reſpective Towns and Harbours where any ſuch Proviſions are Landed, Sold or otherwiſe diſpoſed of, and to make ſeizure of the ſame for the uſe of the Country, for which each and every Marſhal and Conſtable ſhall have allowed them, one fourth part of what ſhall be ſo ſeized, for their care and pains herein.

The fourth part for their pains

And all former Laws concerning Impoſt upon any of the Proviſions aforeſaid, are hereby Repealed. [*1652, 55.*]

Repealed IT is Ordered, That the Law prohibiting bringing in of Malt from forreign parts is Repealed, ſo far as it reſpecteth the Importation of Malt.

Mills, Millers.

Millers Toll

To have weights

IT is Ordered by this Court and the Authority thereof, That no Miller ſhall take above one-ſixteenth part of the Corn he grindes; and that evey Miller ſhall have alwayes ready in his Mill, Weights and Scales, provided at his own charge, to weigh Corn to and from Mill if men deſire it. [*1635. 38.*]

MILITARY.

FOraſmuch as *the well ordering of the Militia is a matter of great concernment to the ſafety and welfare of this Common-wealth*;

It is Ordered by this Court and the Authority thereof; That the Military forces of *Suffolk*, *Middleſex* and *Eſſex*, ſhall be under the command of the Serjeant Majors Choſen in each County; and that the Militia of *Norfolk* ſhall be commanded by the Major of the Regiment of *Eſſex*, Provided the ſaid Militia be not drawn out of the ſaid County to any Regimental exerciſe: And if any of the ſaid Majors be removed or diſcharged their places, the Major General for the time being, ſhall within one Moneth at furtheſt after ſuch change, ſend forth his Warrant to each Town in the Shire, to make choice of a Major in manner following, *viz.* The Freemen, Houſeholders, and ſuch Souldiers as have taken the Oath of Fidelity, before the *fifteenth* of *May*, [*1656.*] and no other, being met together in their Reſpective Towns (by virtue of ſuch Warrant from the Major General, or from the General Court) ſhall give in their Votes for ſuch a perſon as they judge fit for the Office of Serjeant Major of that Regiment, which Votes ſhall be ſealed up by the chief Military Officer of the place, or by the Conſtable (as the Warrant ſhall direct,) and ſent by ſome Freeman, choſen by the Town, to carry them to the Shire Town of that County, at ſuch time as the Warrant ſhall direct, where the ſaid Votes ſhall be opened and numbred in the preſence of one or two of the neareſt Magiſtrates and the ſaid Freemen, and he that ſhall have the greater number of Votes being a Freeman, ſhall be preſented by one of the ſaid Magiſtrates unto the Major General, within one Week after ſuch Election, who ſhall by giving the Oath accuſtomed, and delivering him a Commiſſion, Inſtal and Confirm ſuch Serjeant Major in his place.

Militia commanded by Majors

L. 2. p. 12.

A. 56. p. 12.

Majors how and by whom choſen

2. And every Serjeant Major is hereby Ordered and Required, once in *three years* to draw his Regiment, both Horſe and Foot, in one convenient place in the County, and to Inſtruct and Exerciſe the Officers and Souldiers in Military Diſcipline, according to his beſt skill and ability; for which ſervice he ſhall have *twenty pounds* allowed him out of the Treaſury of the Country for his pains and charges, for every ſuch Meeting: Alſo every Serjeant Major, may as often as he ſhall ſee cauſe ſend his Warrants to require the chief Officer of each Company in his Regiment, to meet at ſuch time and place as he ſhall appoint, and there with them to confer, and give in command ſuch Orders as ſhall by them be judged meet for the better Ordering and Setling the particular Companies in Military Exerciſes; and to impoſe fines and penalties upon ſuch Delinquents as have not given ſatisfaction to their Captain or chief Officer, for all defects either in their Arms, Amunition, Appearances, Watches, Offences, &c.

Regimental meetings once in three years

Meeting of the Officers of the Regiment

And the Serjeant Major ſhall with the conſent of the ſaid Officers, give Order to the Clerks of the ſeveral Companies, to take diſtreſs for the ſame within one Moneth after ſuch Order.

3. *And for the ſettling particular Military Officers in every town of this Juriſdiction;*

Nomination of Officers of companies

It is Ordered, that every Freeman, Houſe holder and liſted Souldier, having taken the Oath of Fidelity as aboveſaid, (and no other) ſhall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all perſons ſo Nominated ſhall be preſented to the Court of that County, to be allowed and confirmed in their reſpective Offices, unleſs the ſaid Court ſhall ſee cauſe to the contrary; and no perſon ſhall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court firſt had and obtained.

To be allowed by the County Courts

A. 53. p. 13.

4. And in every Town where there is *ſixty four* Souldiers (liable to attend conſtant Training) beſides the Officers, ſuch number of Souldiers ſhall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and ſhall have two Drums.

64 Soldiers to be a Company

And in ſmaller Towns, where there ſhall be a leſs number then *ſixty four* as aforeſaid, they ſhall have liberty of Nomination of Serjeants, and other inferiour Officers only, to teach and inſtruct them in the exerciſe of Arms.

And the Major of the Regiment ſhall have power to Order and Regulate the ſmaller Towns, and to joyn them into one compleat Company, (as occaſion may require) which ſhall have liberty of choice of all Officers as aforeſaid. And every Captain, Lieutenant and Enſign, ſhall have Commiſſion from the General Court, for the holding of their places, and exerciſe of their duties.

Capt. Lieu. Enſi. to have commiſ.

5. The ſaid Military Officers of every Company, ſhall take care that their Souldiers be well and compleatly Armed, and ſhall appoint what Arms every Souldier ſhall ſerve with; Provided two thirds of each Company be Muſquetiers, and thoſe which ſerve with Pikes, have Corſlets and Head-peices: And they ſhall exerciſe their Souldiers Six dayes every year, when the Captain or chief Officer ſhall appoint, by giving publick warning thereof, three or four dayes before the day of Exerciſe; Provided, that ſo many dayes as ſhall be expended by Order of the Major of the Regiment, in the Exerciſe of the Regiment, and in marching to and from the place of Exerciſe, ſhall be accounted as part of their ſix dayes.

Capt. to appoint the Sould. Arms

To exerciſe 6 dayes yearly

6. Alſo the three chief Officers of each Company, ſhall have power to puniſh ſuch Souldiers, as ſhall commit any diſorder or contempt upon any day or time of Military Exerciſe, or upon any Watch or Ward, by Stocks, Bilboes, or any other uſual Military puniſhment, or by fine, not exceeding *twenty ſhillings*, or may commit ſuch Offender to the Conſtable, to be carried before ſome Magiſtrate, who may binde him over to the next Court of that Shire, if the cauſe ſo require, or commit him to Priſon

3 chief Offic. to puniſh diſorders of Souldiers

7. Every Foot Souldier ſhall be compleatly Armed and Furniſhed, the Pike-man with a good Pike well headed, Corſlet, Head-peice, Sword and Snapſack; the Muſquetiers with a good fixed Muſquet, not under Baſtard Muſquet Bore, nor under three foot nine inches in length, nor above four foot three inches long, with a Priming wire, Worm, Scouter, and Mould, fitted to the Bore of his Muſquet, alſo with a good Sword,

Souldiers how to be armed

Reſt,

Reſt, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of Mateh, upon the penalty of *ten ſhillings* for every defect; And all other Inhabitants of this Juriſdiction, except Magiſtrates and Elders of Churches, the Preſident, Fellows and Students of *Harvard Colledge*, ſhall alwayes be provided of Arms, and furniſhed as aforeſaid, under the penalty aforeſaid.

Souldiers how to be Armed

on penal. of 10 s

and other Inhabitants

8. And if any perſon cannot procure Arms or Amunition, with ſuch means as he hath, if he ſhall bring to the Clerk ſo much Corn as by apprizement of the ſaid Clerk and two other indifferent men (whereof one to be choſen by the party) ſhall be adjudged of greater value by a fifth part then ſuch Arms or Amunition is of, he ſhall be excuſed of the penalty for want of Arms until he be provided; And the Clerk ſhall endeavour to furniſh him ſo ſooh as may be by ſale of ſuch Goods ſo diſpoſited, rendring the party the overplus.

Wanting Arms, to carry pay to Clerk to provide

But if any perſon ſhall not be able to provide himſelf Arms and Amunition, through meer poverty, if he be ſingle, he ſhall be put to ſervice by ſome Magiſtrate, or the Conſtable ſhall provide him Arms and Amunition, and ſhall appoint him when and with whom to earn it out.

Poor how to be furniſhed with Arms

9. Every perſon above the age of ſixteen years, ſhall duely attend all Military Exerciſe and Service, as Training, Watching, Warding, under the penalty of *five ſhillings* for every fault, except Magiſtrates, Deputies and Officers of Court, Elders and Deacons, the Preſident, Fellows, Students and Officers of *Harvard Colledge*, and profeſſed School-maſters, Phyſitians and Chyrurgeons allowed by two Magiſtrates, Treaſurers, Surveyor General, Publick Notary, Maſters of Ships and other Veſſels above twenty Tuns, Fiſhermen conſtantly imployed at all fiſhing ſeaſons, conſtant Herdſmen and ſuch other as for bodily infirmity or other juſt cauſe, ſhall by any County Court, or Court of Aſſiſtants (after notice of the parties deſire to the chief Officer of the Company to which he belongs) be diſcharged; alſo one ſervant of every Magiſtrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, alſo ſuch as dwell at remote Farms, or have a Ferry to paſs, ſhall be exempt from Watching in the Town, but ſhall Watch and Ward as their chief Officer ſhall direct otherwiſe; and all Farms diſtant above four miles from the place of exerciſing the Company, or have a Ferry to paſs over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon ſuch Farm, ſhall upon reaſonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 52 p. 13.

Perſons exemot from Training

A. 56. p. 12.

A. 53.

10. And it is Ordered, That in every Town or Company there ſhall be choſen (as other Military Officers are choſen) a diſcreet able man to be Clerk of the Band, and if any ſhall refuſe to accept the place, or to take his Oath, he ſhall pay to the uſe of the Company *forty ſhillings* and the Company ſhall chuſe another, and all that refuſe the place or Oath as aforeſaid, ſhall pay *forty ſhillings* a piece, till one doth accept the place, and he that doth hold the place, ſhall have a fourth part of the fines for his labour. And the Clerk ſhall upon every Training day twice, once in the forenoon, as alſo in the afternoon, at ſuch time as the Captain or chief Officer then in the field ſhall appoint, call or cauſe to be called over, the Liſts of the names of all the Souldiers, and ſhall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by abſence of Souldiers or other offences that may fall out in time of Exerciſe.

Clerk of the Band

To call a Roll & attend on training dayes

To view the Arms

And the ſaid Clerk ſhall twice every year view all Arms and Amunition of the Company, and take notice that every Souldier be furniſhed according to this Law; to which end, by direction of the chief Officer, he ſhall give notice to the Souldiers, that upon ſuch a Training day appointed, they are required to bring (in the forenoon) all their Arms and Amunition into the field, where they ſhall be approved or diſallowed by the judgement of the ſaid chief Officer then in the field; And further the ſaid Clerk ſhall once in the year at leaſt, Survey the Arms of all other Inhabitants, and ſee that all (except as before excepted) be provided in their Houſes with Arms and Amunition, and upon every occaſion, he is required to uſe all diligence to view every mans Arms, whether they be compleatly furniſhed with all Arms and Amunition as the Law requireth.

Give notice to the Captain of all defects

to diſtrein within ten dayes

And the ſaid Clerk ſhall within one week after any default made, or defect obſerved, preſent a Liſt of the Names of all that are Delinquent, and of their defects to the Captain or chief Officer of the Company: and ſhall without partiality demand and receive all fines due for ſuch defects, according to this Law; which if any ſhall refuſe to pay, he ſhall make diſtreſs upon the Goods of ſuch perſons, as ſhall not within *ten dayes* after their default be diſcharged, or have their fines mitigated by the Captain or chief Officer of the Company, unleſs the ſaid chief Officer ſhall ſee cauſe to refer the Judgement and Determination of ſuch default to the Major and chief Officer of the Regiment at their meeting.

To diſpoſe of fines for the uſe of the Company

And the Clerk ſhall with the advice of the chief Officers of the Company, ſpeedily lay out all fines received or leavied, in *Enſigne, Drums, Halberts, Candle and Wood for the Watch*, or provide *Powder and Arms* for the pooter ſort, or otherwiſe as in their diſcretion they ſhall judge meet, for the uſe of the Company.

11. *And for the better ordering the Militia in the ſeveral Towns, in caſes of any ſuddain exigent*;

A. 32. p. 14. & 38.

Committy of Militia in the ſeveral Towns

It is Ordered, That there be a Committy of Militia in every Town, and that the Committy of Militia in *Boſton*, ſhall conſiſt of the Magiſtrates living in the Town, the chief Officer of the Horſe, if living in Town, and the chief Officer of each company of Foot, or the greateſt part of them, and in ſuddain exigents, any three of them may act when due means being uſed a greater number cannot be aſſembled; which Committy ſhall have a Commiſſion, who ſhall alſo have power to appoint a Military Watch, when they ſhall ſee cauſe, for the ſafety of the Town and Country; And *Charlstown, Salem* and *Ipſwich* ſhall have the like Committy of Militia, who ſhall have like power by Commiſſion: and for all other Towns where there is one or more Magiſtrates, the ſaid Magiſtrate or Magiſtrates, with the three chief Military Officers; and where no Magiſtrate dwels, the Deputy or Deputies of the General Court, with the three chief Officers of ſuch Town, or any three of them, ſhall be the Committy of Militia for ſuch Town, and have power in all ſuddain exigents, to order and diſpoſe the Militia of their Town, for their own ſafety and defence, till further Order be taken, and upon Alarm, or any Invaſion, to ſtrengthen their quarters, and to hinder any approaching or aſſailing them in a way of Hoſtility, by bearing Arms in Companies, or refuſing upon ſuch approaches to come under command, or give an account what they are, and wherefore they are in ſuch poſture.

Their power

In caſe of Alarm

And every ſuch Committy, where any ſuch Alarm ſhall be given or received, or ſhall be aſſaulted as aforeſaid, is required with all poſſible

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ſpeed to give intelligence to the next Magiſtrate, and the Major of the Regiment where ſuch Alarm is taken, or aſſault made of the reaſon thereof, and ſtate of the place ſo aſſailed.

To give notice to the Major

And the ſaid Major is hereby required to ſend forth to proeure intelligence of the eſtate of any place ſo Alarm'd or Aſſaulted, and to Order Aſſiſtance to them from any other company or companies of his Regiment, as the caſe ſhall require, and ſhall give conſtant intelligence to the Governour or Council of the Country, and Major General of the ſtate of ſuch affairs with all convenient ſpeed.

Major to Order Aſſiſtance

To give intelligence to the Council and Major General

But no Major of any Regiment ſhall march with his Regiment out of the County wherein he hath command, nor cauſe any part thereof ſo to do without Order from the General Court, Council of the Common wealth, or Major General, except it be in purſuit of the Enemy upon a Rout.

Major not to lead his Regiment out of the County

And in caſe of Death or abſence of the Major, upon any ſuch occaſion of ſervice, the eldeſt Captain of the Regiment ſhall ſupply his place till further Order be taken; and the ſeniority of all Captains and chief Officers of every Company in the ſeveral Regiments, ſhall be accounted according to the ſeniority of the Towns or Companies they command, except the Commanders of the four Companies of *Boſton*, being of equal ſtanding, the ſeniority of the Captains ſhall be according to the priority of their Commiſſions.

Seniority of Captains

A. 53.

A. 56. p. 12.

It is further Ordered, That henceforth all Warrants for impreſſing and raiſing of Souldiers, for any expedition, ſhall be directed to the Committy of Militia of the ſeveral Towns, who may execute the ſame by the Conſtable, and the ſaid Committy are hereby impowred and required to ſuppreſs all raiſing of Souldiers, but ſuch as ſhall be by the Authority of this Government.

Committy to preſs Soldiers

A. 54. p. 34.

And in all Towns where there are great Artillery, Forts or Batteries, the Committy of Militia, and Select men of the Town, ſhall mount ſuch Guns, and fit them with appurtenances for ſervice, and repair ſuch Forts or Batteries as they ſhall ſee neceſſary for the ſecurity of the Town, the charge whereof the Select men are hereby impowred and required to leavie on the Eſtate of the Inhabitants, according to the proportion of the Country Rate, to be collected by the Conſtables of the ſaid Town, for the uſe aforeſaid.

A. 55.

To take care of great Guns and repair Forts

WHereas in the Law tit. Military, Sect. *11. the three chief Military Officers in each Town except* Boſton, *together with the Magiſtrates or Deputies thereof, are appointed a Committy of Militia for ſuch Towns without mentioning the Officers of the Horſe, to be of that Committy*;

This Court doth Declare, That the Commiſſion Officers of the Horſe in the Town where they dwell, ſhall be added thereto, and hereby are appointed and impowered to be of the Committy of Militia for ſuch Towns where they dwell; Any Law or Cuſtome to the contrary notwithſtanding. [*1666.*]

Committy of Militia

12. It is Ordered, That the Military Watches ſhall be ſet by beat of Drum half an hour after Sun ſet, by the Military Officers in ſuch places as they ſhall judge moſt convenient, and ſhall be Ordered and Diſpoſed by their command and direction: And if any man ſhall ſhoot off a Gun

Military Watches how ſet

after the Watch is ſet (except in caſe of Alarm) he ſhall forfeit *forty ſhillings.*

Inſtruction and duty of Sentinels

The ſaid Watch or Sentinels being ſet, ſhall examine all perſons that ſhall come within their Watch or Round, and all they ſuſpect they ſhall carry to their Guard, there to be kept till morning, and before they be diſmiſſed, they ſhall carry them to their chief Officer to be examined and proceeded with according to law;

And if the Sentinel of Watch ſhall meet with ſuch perſons as ſhall be too ſtrong for them, or by their carriage ſhall give juſt cauſe of ſuſpition, or will not ſubmit to their command, or if they ſhall either draw upon them, or offer any ſuch affront in Words or Actions, as ſhall put them in fear or hazzard of their lives, they ſhall diſcharge upon them, and retire with ſpeed to the Guard and raiſe an Alarm; Provided alwayes that in time of peace, when the Council of War, or the chief Officers of the Company ſhall not apprehend preſent danger by the nearneſs of an Enemy, it ſhall not be in the liberty of any Sentinel to hazzard the killing of any perſon, except in his own neceſſary defence; but if the cauſe require it, he ſhall retire to the Guard and raiſe an Alarm by diſcharging his Muſquet and crying Arm, Arm, which ſhall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he ſhall either ſtrengthen his Guard, or give a general Alarm, which ſhall be either the diſtinct diſcharge of three Muſquets, or the continued beat of the Drum, or firing a Beacon, or the diſcharge of a piece of Ordnance and two Muſquets after it, any of which in the night ſhall be accounted a general Alarm, which every Souldier is immediately to anſwer, by repairing Armed to his Colours or Court of Guard, upon the penalty of *five pounds.*

What ſhall be taken for an Alarm.

Not anſwering the Alarm penalty 5 li.

Smiths to repair Arms

13. And upon any expedition, upon occaſion of any Enemy, or any preſent Military Service to be done, all Smiths and other needful workmen, ſhall immediately repair ſuch Arms and other Neceſſaries as ſhall be brought unto them for that end, for which, they ſhall not refuſe ſuch pay as the Country affords, upon the penalty of *five pounds* for every ſuch default, and for ſuch neglect at any other time more then ten dayes, ſhall, forfeit for every ſuch offence *ten ſhillings.*

Penalty

A.56.p.12.

14. The Surveyor General ſhall yearly give an account of the common ſtock of Powder and Amunition to the Council, that the General Court being by them informed, may out of the publick Treaſury make a conſtant ſupply according to the need of the Country.

L.2.p.1.

15 Every Town ſhall be provided of a ſufficient Watch houſe, under the penalty of *five pounds*, and ſhall alſo provide at their own charges a ſafe and convenient place to keep all ſuch Powder and Amunition in, as the chief Military Officer by Ordet of the General Court ſhall appoint, under the penalty of *ten pounds.*

Towns to provide Watch-hous and ſtock of Powder & amunition

And the Select men of every Town, ſhall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Muſquet Pullets, and eight and twenty pounds of good Mateh, and after that proportion for every Company of Souldiers, in number more or leſs; which they ſhall carefully reniew from time to time as ſhall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned and

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the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [*1649.*]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seaventy Listed Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to incourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions. *A.56.p.12.* Troop not exceed 70 to be under Majors command. *A.54 p 1.* *A.56.p.12.*

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of *ten shillings* for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty. Troopers how to be furnished

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of *five shillings* for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*. To exercise six dayes yearly

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases. Clerk his fees

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of *five pounds*, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [*1645,47,48,52,53,54,55,56.*] *A.53.* How Troops are disposed in case of Alarm No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding *fifty shillings*. Troopers penalty

For a more full and clear underſtanding of the intent of this Court in reference to Commiſſions granted to Military Officers;

It is Ordered and hereby Declared, That all Commiſſions of inferiour Officers be and do ſtand good and in force, notwithſtanding the death or removal of their Superiour Officers.

Officers Commiſſions

It is alſo further Ordered, That all trained Souldiers, whether Horſe or Foot, ſhall repair to their ſeveral Quarters and lodge their Arms, immediately after their diſmiſſion upon Training dayes: And whoſoever ſhall either ſingly or in companies remain in Arms, and vainly ſpend their time and Powder by inordinate ſhooting in the day or night after their Releaſe; ſuch Souldiers upon conviction ſhall be puniſhed by their Superiour Officers order, upon the next Training day at the head of the Company, by ſharp Admonition, or otherwiſe, with any uſual Military puniſhment at the diſcretion of the chief Officer: Provided the Magiſtrate have not taken notice of the matter before.

Diſorder in Souldiers to be puniſhed by the Officers

It is alſo further Ordered; That all Souldiers, whether Horſe or Foot, who ſhall diſobey the lawful commands of their Superiour Officers upon any Training day, either in time of exerciſe in the Body, or otherwiſe refuſing to perform any ſervice which their Officers in their diſcretion ſhall judge expedient in order to the furtherance and promoting Military work; ſuch refractory Souldiers ſhall be puniſhed either by Admonition or otherwiſe, at the head of the Company with any uſual Military puniſhments, at the diſcretion of the chief Officers.

Repealed.

It is alſo further Ordered, and be it hereby Enacted, that the Law limiting Troops, not to exceed ſeaventy perſons in a Troop, as alſo for allowance of *five ſhillings per Annum* is hereby Repealed, in reference to any that ſhall be liſted after the publication of this Order.

And that henceforth none ſhall be admitted to be a liſted Trooper, but ſuch whom themſelves or Parents under whoſe government they are, do pay in a ſingle Country Rate for *one hundred pounds* eſtate, and in other reſpects qualified as the Law provides: And the ſame certified under the hand of the Conſtable of the Town where they live. [1663.]

Forasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that ſervice lying mainly, if not altogether upon ſuch as bear Arms, when ſeveral perſons of good Eſtate are free; All which conſidered,

Military Watches

It is Ordered, that henceforth all perſons whatſoever, within this Juriſdiction, who are liable to ſerve in Conſtables Watches, ſhall alſo be liable to the like ſervice in all Military Watches, either in their own perſons, or by a ſufficient ſupply to be made by all ſuch perſons as aforeſaid, or ſhall pay *twelve pence* in money, and that under the penalty of *five ſhillings* for every ſuch neglect, to be leavied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the ſame. [1664.]

Whereas

Major Generel & Majors power to ſee that all the Arms of the Country be readily fixt

WHereas this Court hath already provided for the well ordering and ſetling the Militia of this Common-wealth, as in the Law tit. Military, yet foraſmuch as many Complaints are preſented to this Court, that the ſaid Orders are not ſo attended as is to be deſired; conſidering the preſent poſture of affairs between our Engliſh Nation and forreign Enemies, who are now engaged in a Bloody War, which calls for a prudential endeavour of our own ſafety againſt any forreign Invaſion or ſuddain Surprizal,

This Court doth therefore Order and Enact, That the ſaid Military Laws be by all perſons therein mentioned, forthwith attended in all reſpects, And for the better effecting the ſame, the Major General is required forthwith by warrant under his hand to the Majors of the ſeveral Regiments, to require them to make diligent inquiry into the ſtate of the ſeveral Companies under their charge, and to be certified under the hands of the Commiſſion officers, or chief Officers where no Commiſſion Officers are of each Company, of all defects of Arms, Amunition or otherwiſe in every reſpect; And the ſaid Majors reſpectively are required to give ſpeedy advice to the Major General what poſture their ſaid Regiments are in, and wherein the ſaid Majors cannot of themſelves forthwith make redreſs of any defects in the ſaid Companies, the ſaid Majors with the advice of the Major General have hereby power to uſe all lawful means to effect the ſame.

Five pounds penalty for defects of inferiour Officers

All the fines to go to procure a ſtock of powder for the company where the defects ariſe

And all inferiour Officers are hereby required to yield ready Obedience to all ſuch Warrants ſent to them by the ſaid Majors reſpectively, or Major General, upon the penalty of *five pounds* for every ſuch defect, to be leavied by diſtreſs by ſuch perſon as the ſaid Major General and Majors of the Regiments ſhall depute, which ſaid fines ſhall be for a ſtock of Powder for the ſaid Company where the defects ariſe from time to time.

The ſeveral Towns that are not under Majors of Regiments to be regulated & ordered by the Major General

And whereas ſeveral Towns in this Juriſdiction, are not under the Command of any Serjeant Major, as Dover, Portſmouth, *&c. as alſo the Towns of the County of* Hampſhire;

It is Ordered, That the Major General take care for regulating of the Military affaires of ſuch Towns, till they are brought under a Major as in other Counties; And all Military Officers of ſuch places are required obedience to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [1666.]

Pike men to provide Buffe Coats or Quilted coats

WHereas the Law, tit. Military Sect. 7. requires every Pike-man to be compleatly furniſhed (amongſt other weapons with a ſufficient Corſlet) This Court conſidering that Corſlets are wanting to many Souldiers in ſeveral Companies, and the ſupplies therein are not eaſily to be attained;

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pike-man within this Juriſdiction, ſhall be compleatly furniſhed, either with a ſufficient Corſlet, Buffe Coat or Quilted Coat, ſuch as ſhall be allowed by the chief Officer, under whoſe command they from time to time ſhall ſerve, upon the penalty in the recited Law already expreſſed; any Law, Cuſtome or Uſuge to the contrary notwithſtanding. [1666.]

How Officers are to be choſen

THis Court conſidering the direction of our Patent, regulating to the ſtating of all Military Officers in this Juriſdiction;

Do hereby Order and Declare; That all Commiſſion Officers that at preſent are in power, are confirmed according to their reſpective Commiſſions; but for the time to come where new are to be choſen, it is only in the power of the General Court, or in caſe of emergency for the Council of the Common-wealth, to Nominate, Chooſe, Appoint, and Impower all Commiſſion Military Officers; excepting the Major General, and Admiral by Sea, the choice of whom are otherwiſe provided for by Law; and for all inferiour Officers in Companies, they are to be choſen and appointed by the Commiſſion Officers of that Company, and where no Commiſſion Officer is by the Major of the Regiment. [*1668.*]

Regimental meetings

THe Court conſidering that the Regiments are multiplied from three to ſix ſince the Law was made, requiring the Serjeant Majors of every Regiment to draw forth his Regiment once in three years, to exerciſe them in Military Diſcipline;

Do Order, That henceforth the Regimental Meetings ſhall be in this following Order; *i. e.*

Suffolk this preſent year, 1671.
Norfolk including the County of *Portſmouth* and *Dover*, 1672.
Middleſex Anno 1673.
Yorkſhire Anno 1674.
Eſſex Anno 1675.
Hampſhire Anno 1676.

And ſo to be continued in this Order ſucceſſively from time to time.

And the Majors of *Norfolk*, *Yorkſhire* and *Hampſhire* are allowed towards their expenſes and entertainment, occaſioned by that ſervice *ten pounds* a piece reſpectively for the time of that ſervice, to be paid by their reſpective County Treaſurers.

And it is alſo Ordered, That henceforth the allowance of *twenty pounds* a piece granted formerly to the Majors of the three old Regiments, ſhall be paid by the County Treaſurers reſpectively, for ſuch their ſervice, any thing contrary hereunto contained in the Military Law, Sect. 2. notwithſtanding. [*1671.*]

MINES.

L. 2. p. 12. Diſcoverers of Mines to enjoy the profit for 21 years.

FOr incouragement of ſuch as will adventure for the diſcovery of Mines; It is Ordered by this Court, That whoſoever will be at the charge for the diſcovery of any Mine within this Juriſdiction, ſhall enjoy the profits thereof, with a fit proportion of Land to the ſame for *twenty one* years

years to their proper uſe, and alſo that ſuch perſons ſhall have liberty to purchaſe the intereſt of any of the Indians in ſuch Lands where ſuch Mines ſhall be found, provided they ſhall not enter upon any Towns or perſons Propriety without his leave. [*1641.*]

2. And any Inhabitant within this Juriſdiction, that ſhall have or finde any kinde of Mine or Mines whatſoever, in any of their own proprieties, the whole benefit and profit of ſuch Mines are due and ſhall belong to ſuch Proprietor of Land wherein ſuch Mine ſhall be found, to them and to their Heirs for ever, as any part of their Lands, Minneries; Poſſeſſions or Profits whatſoever, paying onely the fifth part of Gold and Silver Oar accordind to proviſo, made on that behalf.

MONEY.

IT is Ordered by this Court and the Authority thereof; That a Mint-houſe be Erected at *Boſton*, and that the Maſter of the ſaid Mint, and all the Officers thereof ſhall be ſworn and allowed by this Court, or by ſuch as ſhall be Authorized by this Court for that purpoſe. *A. 52. p. 12.* Mint houſe at Boſton

And all perſons whatſoever, have liberty to bring into the ſaid Mint, all Bullion, Plate or Spaniſh Coyn, there to be melted, and brought to Alloy of Sterling Money by the Maſter of the ſaid Mint and his ſworn Officers from time to time, by him or them to be Coyned into *twelve penny*, *ſix penny*, and *three penny* pieces, which ſhall be ſtamped with a double Ring on either ſide, with this Inſcription, MASSACHUSETS and a Tree in the center on the one ſide, NEW-ENGLAND with the year of our Lord, and the figure XII. VI. III. according to the value of each piece on the other ſide, together with a privie mark, which ſhall be appointed every three Months by the Governour, and known onely to him and the ſworn Officers of the Mint. Stamp of the Coyn

And further, the Maſter of the Mint aforeſaid, is hereby required to Coyn all the ſaid Money of good Silver, of the juſt Alloy of new Sterling Engliſh Money, and for value *two pence* in the *ſhilling* of leſſer value then the preſent Engliſh Coyn, and the leſſer pieces proportionably: And all ſuch Coyn as aforeſaid, (and no other except Engliſh) ſhall be acknowledged to be the currant Money of this Common-wealth, and to paſs from Man to Man in all payments accordingly within this Juriſdiction. Value of the Coyn

And the Mint maſter for himſelf and Officers, for their pains and labour Melting, Refining, and Coyning is allowed by this Court to take *one ſhilling* out of every *twenty ſhillings*, which he ſhall ſtamp as aforeſaid, and it ſhall be in the liberty of any perſon, who brings into the Mint-houſe any Bullion, Plate or Spanniſh Coyn, to be preſent and ſee the ſame Melted, Refined and Alloyed, and then to take a Receipt of the Maſter of the Mint for the weight of that which is good Silver Alloyed as aforeſaid, for which the Mint-maſter ſhall deliver him the like weight in currant Money, *viz.* every *ſhilling* to weigh *three pence Troy weight*, and leſſer pieces proportionably deducting allowance for Coynage as before is expreſſed. Allowance for Coyning. Weight of the Coyn.

Mint maſters & Officers to be known

And it is further Ordered; That a Committee be choſen by this Court to appoint a Mint houſe in ſome convenient place in Boſton, and to approve and ſwear the Maſter and all the Officers, and to Order and Determine what ſhall further appear neceſſary to carry on this Order to effect.

A. 54. 5.

Exportation of Coyn prohibited on pain of confiſcation of eſtate

2. And it is further Ordered; That no Inhabitant of this Juriſdiction or Stranger, ſhall from henceforth ſend, carry or tranſport out of this Juriſdiction, by Sea or by Land, directly or indirectly, any of the Money that hath been or ſhall be Coyned in this Juriſdiction, except *twenty ſhillings* for neceſſary expences, on penalty of Confiſcation, not only of ſuch money ſo Coyned, but alſo all the viſible eſtate of him that ſhall any way be found ſending or exporting any of the Coyn aforeſaid, one third part whereof ſhall be to the uſe of the Informer and Officer, the other two thirds to the Country.

And that this Law may be duely obſerved;

Searchers to be appointed

The County Courts ſhall from time to time, as there ſhall be need in *Boſton, Charlstown, Salem, Ipſwich, Paſcataqua, Iſles of Shoals, Sudbury*, and other needful places, appoint and Authorize meet perſons, as Searchers, to examine and ſearch all Perſons, Veſſels, Packs, Trunckes, Cheſts, Boxes, or the like, that ſhall be tranſporting out of this Juriſdiction, who finding any Money ſhall ſeize the ſame, and forthwith inform the next Magiſtrate thereof, who ſhall iſſue out his Warrant for the preſent ſeizure of the whole viſible Eſtate of the party ſo tranſporting contrary to this Law, for the uſe of the Common wealth; And for the parties ſearching or informing as is above expreſt.

To take an Oath

And it is further Declared, That all ſuch Maſters, Marriners or other perſons, that ſhall be found to be privy or conſenting to the exporting of any of the Coyn aforeſaid, out of this Juriſdiction, he or they ſhall for every ſuch offence forfeit the ſum of *twenty pounds* a piece, to be to the uſes aforeſaid, And the ſeveral Searchers ſhall take the Oath appointed for Searchers, only in ſtead of half, a third part to be inſerted, and in ſtead of certifying the Auditor General, to inſert to certifie the next Magiſtrate. [*1652. 54*]

For the better execution of the Law pag. 62. ſect. 2. *for the reſtraining the Exportation of Money*;

It is Ordered by this Court and the Authority hereof, That the perſons hereafter named, viz.

For *Boſton*, Captain *James Oliver*, and Mr. *Thomas Brattle* or either of them.

Commiſſioners to ſearch for Money, &c.

For *Charlstown*, Captain *John Allen*.
For *Salem*, Mr. *Edward Batter*.
For *Paſcataqua*, Mr. *Elias Stileman*.
For *Marble-head*, Mr. *Samuel Ward*.
For *Dedham*, Enſign *Fiſher*.
For *Braintry*, *Moſes Pain*.
For *Malberow*, *William Kerly*.
For *Springfield*, *Laurence Bliſs*.

Be all and every of them appointed, impowered and required to ſearch for, and ſeize all Monies of the Coyn of this Juriſdiction, that ſhall be found or diſcovered in any Ship or any other Veſſel that hath weighed Anchor to depart

depart from that Port where ſhe ladeth, or all ſuch Money that ſhall be found in any perſons Pocket, Cloak-bag, Portmantle, or any other thing belonging to them, after ſuch perſon hath taken Horſe back, to proceed and travail in his or their Journey out of this Juriſdiction, from the firſt Town or Station whence ſuch perſons begin their Travail: And all Money that ſuch Searcher ſhall finde (except ſo much as is allowed by Law) he ſhall ſafely keep it until the next Court of the Shire, and then preſent the ſame unto the ſaid Court; and if it be judged by the Court to be forfeited according to Law, then the ſaid Court are required to order the delivery of one third part to the Officer that ſeized the ſame, and the other two third parts to return to the publick Treaſury of the Country.

And it is further Ordered, That the Searchers before-named, are hereby impowred to break open any Cheſt, Trunk, Box, Cabin, Cask, Truſs, or any other ſuſpected place or thing, where they or any of them conceive Money may be concealed, and ſeize the ſame: And alſo they or either of them are impowered to require ſuch Aſſiſtance from any Conſtables or others, as to them may ſeem expedient, who are to aid them upon the penalty of *forty ſhillings* fine for every neglect. [*1669.*]

MONOPOLIES.

IT is Ordered, Decreed, and by this Court Declared; That there ſhall be no Monopolies granted or allowed amongſt us, but of ſuch new inventions that are profitable to the Country, and that for a ſhort time. [*1641.*]

Oaths Subſcriptions.

IT is Ordered, and by this Court Declared; That no man ſhall be urged to take any Oath, or ſubſcribe to any Articles, Covenants or Remonſtrances of Publick and Civil nature, but ſuch as the General Court hath conſidered, allowed and required; and no Oath of any Magiſtrate or any Officer, ſhall binde him any further or longer then he is reſident or reputed an Inhabitant of this Juriſdiction. [*1641.*]

No Oaths but what are impoſed by the General Court

Officers Oath how long binding

2. *Foraſmuch as divers Inhabitants of this Juriſdiction, who have long continued amongſt us, receiving protection from this Government, have as we are informed uttered offenſive ſpeeches, whereby their fidelity to this Government may juſtly be ſuſpected, and alſo that divers Strangers of forreign parts do repair to us of whoſe fidelity we have not that aſſurance which is commonly required of all Governments;* *A. 52. p. 9.*

Strangers to swear fidelity to this Governm.

It is therefore Ordered by this Court and the Authority thereof; That the County Courts or any one Magiſtrate out of Court, ſhall have power, and is hereby Authorized to require the Oath of Fidelity of all ſettled Inhabitants amongſt us, who have not already taken the ſame, as alſo to require the Oath under-written of all Strangers, who after two Months have their Abode here; And if any perſon ſhall refuſe to take the reſpective Oath, he or they ſhall be bound over to the next County Court or Court of Aſſiſtants, where if he ſhall refuſe, he ſhall forfeit *five pounds* a week, for every week he ſhall continue in this Juriſdiction after his ſaid refuſal, unleſs he can give ſufficient ſecurity to the ſatisfaction of the Court or Magiſtrate for his Fidelity during his or their reſidence amongſt us.

Strangers Oath.

You A. B. *do acknowledge your ſelf ſubject to the Laws of this Juriſdiction, during your reſidence under this Government; And do here Sweor by the great Name of the Everliving* GOD, *and engage your ſelf to be true and faithful to the ſame, and not to Plot, Contrive or Conceal any thing that is to the hurt or detriment thereof.* [*1652.*]

OPPRESSION.

FOr avoiding ſuch miſchiefs as may follow by ſuch inadviſed perſons, as may take liberty to oppreſs and wrong their Neighbours, by taking exceſſive Wages for their Work, or unreaſonable prizes for ſuch Merchandizes or other neceſſary Commodities as ſhall paſs from Man to Man;

It is Ordered; That if any Man ſhall offend in any of the ſaid caſes, he ſhall be puniſhed by fine or impriſonment, according to the quality of the offence as the Court to which he is preſented, upon lawful tryal and conviction ſhall adjudge. [*1635.*]

PAYMENTS.

A. 54. p. 4.

Its to be paid in kind or for

IT is by this Court Ordered and Declared; That all Contracts and Engagements for Money, Corn, Chattel or Fiſh, ſhall be ſatisfied in kinde according to Covenant, or in default of the very kinde contracted for, in one of the ſaid kindes; Provided that in ſuch caſes where payment in kinde is not made according to Covenant, all juſt damages ſhall be ſatisfied (together with the Debt) for not paying in kinde accoreing to bargain.

bargain; And in no caſe ſhall any Creditor be forced to take any other Commodities for ſatisfaction of his debt, unleſs it be according to his Contract, but it ſhall be lawful for ſuch Creditor to impriſon the party till he make ſatisfaction according to Covenant, or to take upon Execution ſuch Goods, Houſes or Lands, as ſhall be to his ſatisfaction; any Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1654.*]

Debts to be paid in the kinde contracted

WHereas *the Law* tit. Payments pag 63. *doth make Corn, Cattle and Fiſh equal with Money and to be paid as Money, when Money is intended for, which at that time when the Law was made was as good as Money, but now is otherwiſe, and proveth prejudicial and injurious, as experience ſheweth upon ſeveral accounts: ther fore as an Addition to, and explanation of that Law;*

This Court doth Order and Enact, That henceforth all Contracts, Agreements, Engagements or Covenants for any ſpecie whatſoever, ſhall be paid in the ſame ſpecie Bargained for; Any Law, Uſage or Cuſtome to the contrary notwithſtanding. [*1670.*]

All contracts & agreements to be made good by payment in ſpecie contracted for, &c.

PETITIONS.

IT is hereby Ordered; That all Petitions to the General Court, which are of a common and ordinary nature, the Petitioner ſhall pay on the delivery thereof to the Secretary or Clerk *two ſhillings ſix pence* for each Petitions: And all Petitions for abatements of fines, mittigation of penalties, &c. ſhall pay unto the Clerk or Secretary as aforeſaid *ten ſhillings*, And all Petitions for Gratuities, or that concern Controverſies between party and party, Town and Town ſhall pay *ten ſhillings*; And all Petitions for Debts, or other controverſies between party and party brought from Inferiour Courts, ſhall pay *ten ſhillings* beſides the charges of the Court during the trial of ſuch cauſe. *L. 2 p. 13.*

Payment for entring Petitions in the Generall Court

And henceforth no Petitition whatſoever, ſhall be received into the General Court, after the firſt four dayes of the Court of Election, nor after the firſt week of any other Seſſion. *A. 54 p. 1.*

Neverthelefs, It is hereby Ordered; That all ſuch Petitions that concern any engagement of the Country to any perſon, are hereby exempted; And that any Magiſtrate or Deputy of the Court may preſent any Petition, wherein his own perſonal right is concerned without payment, and that there ſhall be a true Entry made by the Secretary of the number of Petitions that ſhall be delivered to the Magiſtrates, and the like account ſhall be kept by the Clerk of the Deputies, of all Petitions received by the Deputies, and all ſuch fees as are produced by ſuch Petitions, ſhall be received or ſecured by the Secretary or Clerk. and diſcounted in part of their Annual allowance. [*1648, 54.*]

Time of Entry

petitions exempt from payments

Secretary and Clerk to ſecure the pay

PIPE-STAVES.

WHereas *information hath come to this Court from forraign parts, of the inſufficiency of our Pipe-ſtaves, eſpecially in regard of worm-holes, whereby the Commodity is like to be prohibited in thoſe parts, to the great damage of the Country*;

It is therefore Ordered by this Court and the Authority thereof; That the Select men of *Boſton*, *Charlſtown*, *Salem*, *Dover*, *Portſmouth*, *Kitterie*, and all other Towns in this Juriſdiction, where Pipe-ſtaves uſe to be ſhipped, ſhall forthwith, and ſo from time to time, as need ſhall require, nominate two men of each Town, skilful in the Commodity, and ſuch as can attend the ſervice, to be viewers of Pipe ſtaves, who ſo choſen, ſhall by the Conſtable be convented before ſome Magiſtrate, to be ſworn diligently and faithfully to view and ſearch all ſuch Pipe ſtaves as are to be tranſported to any parts of *Spain*, *Portugal*, or within either of their Dominions or elſewhere, to be uſed for making of tight Cask, who ſhall caſt by all ſuch as they ſhall judge not Merchantable, both in reſpect of worm-holes and due Aſſize, *viz.* that are not in length *four foot and half*, in breadth *three Inches and half* without ſap, in thickneſs *three quarters of an inch* and not more or leſs then an eighth part of an inch then *three quarters* thick, well and even hewed and ſufficient for uſe.

Searchers of Pipe ſtaves

Sworn

Aſſize of Pipe ſtaves

And they or ſome one of them, ſhall at all times upon requeſt give attendance, and they ſhall enter into a Book the number of all ſuch Merchantable Pipe-ſtaves as they ſhall approve, and for whom.

Pipe ſtaves ſhipt unſearched to be forfeit

And if any Man ſhall put aboard any Ship or other Veſſel any Pipe-ſtaves other then ſhall be ſo ſearched and approved, to the end to be tranſported to any part of *Spain* or *Portugal*, except they ſhould be ſhipped for dry Cask, he ſhall forfeit the ſame whole parcel or the value thereof, and the ſaid Viewers ſhall be allowed *two ſhillings* for every thouſand of Pipe-ſtaves which they ſhall ſo ſearch, as well the Refuſe as the Merchantable, to be paid by him that ſets them on work.

Searchers allowed

Maſters of ſhips receiving unſearcht ſtaves forfeit 5 li.

And if any Maſter or other Officer of any Ship or other Veſſel, ſhall receive into ſuch Ship or Veſſel, any parcel of Pipe-ſtaves, to be tranſported into any of the ſaid Dominions, which ſhall not be ſearched and allowed as Merchantable, and ſo certified by a note under the hand of one of the ſaid Viewers; ſuch Maſter ſhall forfeit for every thouſand of Pipe-ſtaves ſo unduely received *five pounds*, except he can procure one of the ſaid Viewers to come aboard and ſearch ſuch Staves as they ſhall be delivered into the Ship:

Dry Cask ſtaves

Provided, Caſt or Refuſe Staves, or other Red Oak Staves may be tranſported into thoſe parts (which may be of good uſe for Dry Cask) ſo as the ſame be carried in diſtinct parcels, and not intermixt with Merchantable Staves. [*1646.*]

POOR.

IT is Ordered by this Court and the Authority thereof; That any Shire Court or any two Magiſtrates out of Court, ſhall have power to determine all Differences about lawful ſettling and providing for poor perſons; and ſhall have power to diſpoſe of all unſettled perſons into ſuch Towns as they ſhall judge to be moſt fit for the maintenance and imployment of ſuch Perſons and Families, for the eaſe of this Country. [*1639.*]

And for the avoiding of all future inconveniences referring to the ſettling of poor people that may need relief from the place where they dwell;

Order that ſettle poor

It is Ordered by this Court and the Authority thereof; That where any perſon with his Family, or in caſe he hath no family, ſhall be reſident in any Town or Peculiar of this Juriſdiction for more then three months, without notice given to ſuch perſon or perſons by the Conſtable or one of the Select-men of the ſaid place, or their Order, that the Town is not willing that they ſhould remain as an Inhabitant amongſt them; And in caſe after ſuch notice given, ſuch perſon or perſons ſhall notwithſtanding remain in the ſaid place, if the Select-men of the ſaid place ſhall not by way of complaint, Petition to the next County Court of that Shire for relief in the ſaid caſe, and the ſame proſecuted to effect; every ſuch perſon or perſons (as the caſe may require) ſhall be provided for, and relieved in caſe of neceſſity, by the Inhabitants of the ſaid place where he or ſhee is ſo found.

And it is further Ordered, That each County Court ſhall from time to time hear and determine all Complaints of this nature, and ſettle all poor perſons according to directions of this Law, in any Town or Peculiar within this Colony; and every ſuch perſon or perſons ſhall accordingly, be entertained and provided for by the Select-men or Conſtable of the ſaid place, at a Town-charge; And in caſe any Town or Peculiar ſhall finde themſelves agrieved at ſuch diſpoſure of the County Court, they may Appeal to the next Court of Aſſiſtants; And where any perſon or perſons cannot according to this Law be ſettled in any Town or Peculiar, they ſhall then be placed in any Town of that County wherein they are found, according as the County Court ſhall appoint, and their charges ſatisfied unto them by the County Treaſurer.

POSSESSION.

THe Court taking into conſideration the great neglect of many perſons, in the Infancy of theſe Plantations, to obſerve any due order or legal courſe for the confirmation of ſuch Sales and Alienations of Houſes and Lands, as have paſſed from man to man, which thing may ſeveral wayes be of very evil Conſequence to Poſterity. *A. 58. p. 28.*

Doth therefore Order and hereby Enact; That any perſon or perſons, that hath either himſelf or by his Grantees or Aſſignes, before the Law made for direction about Inheritances, bearing date *October the nineteenth, one thouſand ſix hundred and fifty two*, Poſſeſſed and Occupied as his or their own proper Right, in fee ſimple, any Houſes or Lands within this Juriſdiction, and ſhall ſo continue, whether in their own Perſons, their Heirs or Aſſignes, or by any other perſon or perſons, from, by or under them, without Diſturbance, Let, Suit or Denial legally made, by having the Claim of any perſon thereto, entred with the Recorder of the County, where ſuch Houſes or Lands do lye, with the Names of the perſon ſo claiming, and the Quantity, Bounds of the Lands or Houſes claimed, and ſuch Claim proſecuted to effect within the tearm of *five years* next after the *twentieth* of this preſent *May, one thouſand ſix hundred and fifty ſeven*, every ſuch Proprietor, their Heirs and Aſſignes ſhall for ever after enjoy the ſame, without any lawful Let, Suit, Diſturbance or Denial, by any after Claim of any perſon or perſons whatſoever, any Law or Cuſtome to the contrary notwithſtanding.

Title to Inheritances limited within 5 years

And for all Bargains or Alienations made, or to be made after the aforeſaid time, that every perſon concerned therein, obſerve the Directions given in the above recited Law, upon peril of ſuffering all the damage that ſhall accrue to them, their Heirs and Aſſignes by neglect thereof. [*1657.*]

PORTERS.

A. 56. p. 10. *THere being a very great abuſe in the Towns of Boſton and Charlſtown, by Porters, who many times do require and exact more then is juſt and righteous for their Labours*;

It is Ordered by this Court; That from henceforth the Select-men of the ſaid Towns from time to time, ſhall have power to regulate in this caſe, and to ſtate their Wages, as in their underſtanding ſhall be moſt juſt and equal, as alſo to determine what perſons ſhall be imployed therein. [*1655.*]

Porters to be Ordered by the Select men

Pound. Pound breach.

FOr prevention and due recompence of damages in Corn-fields and other Incloſures done by Swine and Chattel;

It is Ordered by this Court and Authority thereof, That there ſhall be one ſufficient Pound or more, made and maintained in every Town and Village within this Juriſdiction, for the Impounding of all ſuch Swine and

Pound in every Town

and Chattel as ſhall be found in any Corn-field or other incloſure.

And whoſoever Impounds any Swine or Chattel, ſhall give preſent notice to the Owner if he be known, or otherwiſe they ſhall be cryed at the two next Lectures or Markets; And if Swine or Chattel eſcape out of Pound, the Owner if known, ſhall pay all damages according to Law. *A. 57. p. 24.*

And every perſon or perſons having notice given them, or otherwiſe left in writing at their Houſe or place of their uſual abode, of any of their Chattel Impounded or otherwayes Reſtrained, ſhall forthwith give ſatisfaction to the party ſo wronged, or otherwiſe Replevie their Chattel, and proſecute the ſame according to Law, upon peril of ſuffering all the loſs and damage that ſhall come to their Chattel by ſtanding in the Pound or other lawful place of Reſtraint. [*1645, 47, 57.*]

Cattle impounded to be replevied or damage ſatisfied

2. And if any perſon ſhall reſiſt or reſcue any Chattel going to Pound, or ſhall by any way or means convey them out of Pound or other Cuſtody of the Law, whereby the party wronged may loſe his damages, and the Law be deluded, that in caſe of meer reſcues, the party ſo offending ſhall forfeit to the Treaſury *forty ſhillings*.

Reſcues and Pound breach

Fine or

And in caſe of Pound breach *five pounds*, and ſhall alſo pay all damages to the party wronged, and if in the reſcues any bodily harm be done to the perſon of any Man or other Creature, they may have remedy againſt the Reſcuers; And if either be done by any not of ability to anſwer the forfeiture and damages aforeſaid, they ſhall be openly Whipped by Warrant from any Magiſtrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty ſtripes* for the meer Reſcue or Pound breach; And for all damages to the party, they ſhall ſatisfie by ſervice, as in caſe of Theft.

be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abetters therein, they ſhall pay forfeiture and damages as if themſelves had done it. [*1647.*]

POWDER.

WHereas by favour of the Government in England, *ſeveral quantities of Powder and other Amunition are yearly Imported into this Juriſdiction for our neceſſary uſe and defence; To the end the favour we receive may not be Abuſed, nor our ſelves Deprived of the juſt and neceſſary uſe thereof;* *A. 52. p. 3.*

It is hereby Ordered and Enacted; That all Merchants or others, that ſhall import into this Juriſdiction either Powder, Lead, Bullets Shot, or any Amunition whatſoever, ſhall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of ſuch Goods, who is hereby enjoyned to take particular notice of the ſame, with the Mark and Number, and faithfully to enter the ſame in a Book, and the Names of the Perſons to whom they are ſold, or into whoſe Cuſtody or

Powder Imported to be Entred with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the ſaid Notary is hereby prohibited, upon the penalty of *one hundred pounds*, to grant Certificate to any Merchant or other of any ſuch Goods but ſuch as he ſhall have particular notice of, and entred as aforeſaid.

And to the end this Order may be duely obſerved, and that no perſon may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Caſtle ſhall upon the arrival of any Ship or Veſſel in the Maſſachuſets Bay, from any forraign parts, give notice of the contents of this Order, to the Maſter or Merchant of any ſuch Veſſels, and the Conſtables of all other Port-Towns in this Juriſdiction, are hereby required to do the ſame. [*1651.*]

L. 1. p. 45. 2. And it is further Ordered; That no perſon (except for the defence of themſelves and their Veſſels at Sea) ſhall tranſport any Gunpowder out of this Juriſdiction, without licenſe firſt obtained from ſome two of the Magiſtrates, upon penalty of forfeiting all ſuch Powder as ſhall be tranſporting or tranſported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

Searchers for powder exporting. This Court, the Court of Aſſiſtants, or any Shire Court, ſhall appoint meet perſons, from time to time in all needful places, who have hereby power granted them, to ſearch all Perſons and Veſſels that are or any way ſhall be ſuſpicious to them to be breakers of this Order, and what they finde in any Veſſel or Hands, without licenſe as aforeſaid, to ſeize the ſame, and to keep the one half to their own uſe in recompence of their pains, and to deliver the other half forthwith to the Treaſurer. [*1645, 51.*]

Preſcriptions.

IT is Ordered, Decreed, and by this Court Declared; That no Cuſtome or Preſcription ſhall ever prevail amongſt us in any Moral caſe, (our meaning is) to maintain any thing that can be proved to be Morally ſinful by the Word of God. [*1641.*]

Priſoners, Priſon, Houſe of Correction.

Priſoners carried at their own charge IT is Ordered; That ſuch Malefactors as are committed to any common Priſon, ſhall be conveyed thither at their own charge if they be able, otherwiſe at the charge of the Country. [*1646.*]

2. *For prevention and redreſs of many miſdemeanours and evil practiſes, daily increaſing*; *A. 55. p. 10.*

It is Ordered, That there ſhall be an Houſe of Correction provided in each County, at the Counties charge, to be ſettled, ordered and improved as the Magiſtrates in each County Court or Court of Aſſiſtants ſhall agree and direct. Houſe of Correction in each County

3. And it ſhall be in the power of every County Court to make uſe of ſuch Priſon as is at preſent erected in the County, for an Houſe of Correction, till Houſes of Correction be provided and finiſhed. *A. 57. p. 25.*

Alſo to provide and Authorize the Keeper or ſome meet perſon, to be Maſter of ſuch Houſe as they ſhall judge meet; And the Select men of the Town where ſuch Houſe is appointed, ſhall procure in the moſt prudent way, ſome competent ſtock of Hemp, Flax, or other materials, and upon account, to commit the ſame into the hands of the Maſter of the Houſe, to be imployed at his diſcretion by the labour of ſuch Delinquents, as ſhall be committed to him by Authority, and the ſtock being in value or kinde preſerved to ſuch as put in the ſame, all the benefit attained by the labour of the perſon committed, ſhall be to the uſe of the Maſter, allowing only ſo much as will keep the Delinquent with neceſſary Bread and Water, or other mean food out of the ſame, or *ſix pence* out of the *ſhilling* earned by his or her labour. County Court to appoint a Maſter. Select men to provide Materials to work. Maſters fees.

And at the firſt coming into the Houſe of Correction, the Maſter thereof, or any he ſhall procure, or the common Corrector reſiding in the Town, ſhall whip every Delinquent, not exceeding *ten ſtripes*, and after ſhall imploy him or her by duely ſtint, and if the party be ſtubborn, diſorderly or idle and not perform their task, and that in good condition, the Maſter ſhall correct them or abridge them of their food, as the cauſe ſhall require, till they are brought to ſome meet order. Delinquent to be corrected & kept to work.

And it ſhall be in the power of one Magiſtrate, to commit idle perſons or ſtubborn perſons againſt ſuch as have Authority over them, Runawayes, Common Drunkards, Pilferers, Common night-walkers and wanton perſons, as tending to uncleanneſs in ſpeeches or Actions, *&c.* One Magiſtrate may commit to the Houſe of Correction.

And it ſhall not be in the power of the Maſter to deliver out of the Houſe of Correction, unleſs he hath a Diſcharge or Warrant under the hand of a Magiſtrate; and if the Delinquent be committed by the Court, not to be delivered but by order of the Court, or under the hand of the greater part of the Members of the Court. [*1646, 55, 57*]

ON Complaint of the Keeper of the Priſon, that ſome Malefactors and other Priſoners have made eſcape, by means of ſome evil-diſpoſed perſons that ſupply them with Inſtruments to effect the ſame;

It is therefore Ordered by this Court and the authority thereof, That if any perſon whatſoever, ſhall any wayes, either directly or indirectly convey any Inſtrument or other thing whatſoever to any Priſoner, by which ſuch Priſoner or any other Priſoner, either ſhall, may, or might break Priſon, or work him or her ſelf unlawfully out of the ſame; if it were for Debt, ſuch perſon ſo tranſgreſſing ſhall pay the full Debt, and incurre the penalty of forfeiture of as much to the Country, or undergo ſuch Corporal puniſhment as the Court on whoſe proceedings ſuch impriſonment followed, or the Court of Aſſiſtants ſhall impoſe, order or appoint. To prevent breaking of Priſons.

And if any Priſoner committed for offence or offences, Criminal or Capital, ſhall by ſuch wicked compliance of any perſon, break Priſon or make eſcape out of Priſon, or be found in preparation thereunto, the perſon or perſons which directly or indirectly conveyed ſuch Inſtruments, Tools, or other things, whereby ſuch Priſoner ſhall or might work his or her eſcape from Priſon; ſuch perſon ſhall be liable to the ſame corporal puniſhment which the Priſoner was liable unto, and alſo incurre ſuch further penalty by Fine, Impriſonment, or Corporal puniſhment as the County Court, Court of Aſſiſtants or General Court ſhall appoint: So that where the Priſoners are not actually eſcaped, in ſuch caſes any Court to moderate as they ſhall ſee meet.

And if the eſcape of any Priſoner appear to be through the fault or neglect of the Jaylor, he ſhall then be liable to ſuch penalties as the Priſoner was, according as the Court which hath cognizance thereof ſhall determine. [*1669.*]

IN Anſwer to ſome Queſtions propounded by the Keeper of the Priſon for his direction in the execution of his Office;

Direations to Priſon keepers

This Court do Declare; That it is the duty of all Priſon-keepers from time to time to preſent a true Liſt of all the Priſoners to ſuch Courts of Judicature, as are properly to take cognizance of their crimes, and not to diſcharge any their cuſtody, but by the Authority of the Law warranting the ſame, and that the Court or other Authority taking cognizance thereof ſhall determine the Coſts to be allowed the Keeper for maintenance of the Priſoner, as alſo by whom he ſhall be ſatisfied, and that where any are committed in any civil cauſe, the Plaintiffe at whoſe ſuit he is impriſoned ſhall ſecure the Keeper all his neceſſary expenſes during his Impriſonment, both for Food and Phyſick, and other neceſſaries for his livelihood; And in caſe of his neglect ſo to do, the party impriſoned taking his Oath before any Magiſtrate that he is not worth *five pounds*, the Keeper ſhall not ſtand further charged with him, but may diſmiſs ſuch Priſoner his cuſtody; Any former Law, Uſage or Cuſtome to the contrary notwithſtanding.

And it is Declared by this Court; That the ordinary allowance to be made for the Food of any Priſoner ſhall be *two ſhillings ſixpence* the Week. [*1663.*]

Proteſtations contra Remonſtrance.

Liberty to enter a diſſent in caſes in Court

IT is Ordered, and by this Court Declared; That it is and ſhall be in the liberty of any Member or Members of any Court, Council or civil Aſſembly, in caſes of making or executing any Order that properly concerneth Religion, or any cauſe Capital, or Wars, or Subſcriptions to any publick Article or Remonſtrance, in caſe they cannot in Judgement and Conſcience conſent to that way the major vote or ſuffrage goes, to make

then

their Contra Remonſtrances or Proteſtation in Speech or Writing, and upon their Requeſt to have their diſſent Recorded in the Rolls of that Court, ſo it be done Chriſtianly and Reſpectively for the manner, and the diſſent only be Entred without the Reaſons thereof, for avoiding tediouſneſs. [*1641.*]

Puniſhment, Torture.

IT is Ordered, and by this Court Declared; That no man ſhall be twice Sentenced by Civil Juſtice for one and the ſame Crime, Offence or Treſpaſs. None puniſhed twice for one offence

And for Bodily Puniſhments; We allow amongſt us none that are Inhumane, Barbarous or Cruel. *L. 1 p. 58.*

And no Man ſhall be beaten with above *forty ſtripes* for one Fact at one time, nor ſhall any Man be puniſhed with Whipping, except he have not otherwiſe to anſwer the Law, unleſs his Crime be very ſhameful, and his courſe of life vicious and profligate. Not above 40 ſtripes

And no man ſhall be forced by Torture to confeſs any Crime againſt himſelf or any other, unleſs it be in ſome Capital caſe, where he is firſt fully convicted by clear and ſufficient evidence to be guilty, after which if the caſe be of that nature, that it is very apparent there be other Conſpirators or Confederates with him, then he may be Tortured, yet not with ſuch Tortures as are Barbarous and Inhumane. No torture before conviction

Records, Recorders, Clerks.

WHereas *Records of the Evidence, whereupon the Verdict and Judgement in caſes doth paſs, being duely entred and kept, would be of good uſe, both for Preſidents; and to ſuch as ſhall have juſt cauſe to have their caſes Reviewed;*

It is therefore Ordered by this Court and the Authority thereof That every Judgement given in any Court, or by one Magiſtrate, or by Commiſſioners, ſhall be Recorded in a Book, and all the Evidences (which are to be given in, in Writing, in fair and large Papers) ſhall be kept, and the party for whom ſuch evidence is brought, ſhall pay to the Recorder or Clerk of the Court for filing and ſafe keeping the ſame *two pence* for each evidence; and the fore man of every Jury ſhall faithfully deliver up all ſuch Teſtimonies or other Writings committed to them, unto the Recorder or Clerk of the Court, when they give in their Verdict in every caſe *As 2. p. 13* *L. P. 15.* Evidence to be given in writing To be kept on File

A. 57. p. 21. And the Fees of the Recorder or Clerk of every County Court ſhall be as followeth, for Tranſcribing a Copy of any evidence for every page conſiſting of *twenty eight* or *thirty* lines, *eight words* in a line *twelve pence*, and proportionable to *eight pence* a page for what it doth exceed; For entry of a Mortgage or Sale of Houſes or Lands *verbatim*, not exceeding a page as aforeſaid, *twelve pence*, and proportionable to *eight pence* a page for what it doth exceed; And for Atteſting the Record on the Original Deed *ſix pence*, and in like manner for Wills and Inventories, with *ſix pence* a piece for filling up the Original and ſafe keeping thereof; And for entring an Order for the determining of an Eſtate of ſuch as dyed Inteſtate, or other, wherein the Court is to give their approbation or determination *twelve pence*, And for Entry of the Examination and Proceedings of this Court in any Criminal Caſes or Preſentment, with the Judgement of the Court therein *two ſhillings and ſix pence*; And for Entry of a Recognizance *twelve pence*, to be paid or ſecured in Court by the Delinquent party; And for Entring a Judgement acknowledged *twelve pence*; And for *L. 2. p 7* Entry of an Action *one ſhilling ſix pence*, and a judgement thereupon *ſix pence*, and for making an Execution *two ſhillings*.

Recorders Fees

Births, Deaths Marriages

2. It is Ordered; That the Clerk of the Writts in the ſeveral Towns ſhall Record all Births and Deaths of perſons in their Towns; and for every Birth and Death they ſo Record, they ſhall be allowed *three pence*, and they ſhall yearly deliver in to the Recorder of the Court of the Juriſdiction where they live a true Tranſcript thereof, together with ſo many *pence* as there are Births or Deaths to be Recorded.

Parents, Maſters &c to certifie the Clerk

And all Parents, Maſters of Servants, Executors or Adminiſtrators reſpectively, ſhall bring in to the Clerk of the Writts, in their ſeveral Towns, the Names of ſuch perſons belonging to them or any of them, as ſhall either be Born or Dye.

And alſo every new-Married Man ſhall likewiſe bring a Certificate under the hand of the Magiſtrate which Married him unto the ſaid Clerk, to be by him Recorded, who ſhall be allowed *three pence* for the ſame, and the ſaid Clerk ſhall deliver as aforeſaid unto the Recorder a Certificate, with a *penny* a Name for Recording the ſaid Marriage: And if any perſon ſhall neglect to bring a Note or Certificate as aforeſaid, together with *three pence* a Name to the ſaid Clerk of the Writts to be Recorded, more then one Month after ſuch Birth, Death or Marriage, he ſhall pay *twelve pence* to the ſaid Clerk, who ſhall demand the ſame, and in caſe any ſhall refuſe to ſatisfie him, he ſhall then return the Name of ſuch perſon or perſons to the next Magiſtrate for Commiſſioners of the Town where ſuch perſon dwells, who ſhall ſend for the party ſo refuſing; And in caſe he ſhall ſtill perſiſt therein, ſhall give Order to the Conſtable to leavie the ſame: And if any Clerk of the Writts ſhall neglect his duty hereby enjoyned, he ſhall pay the following penalties, *viz.* for neglecting a yearly return to the County Court *five pounds*, and for neglect of returning the name of any perſon returnable by this Order, whether Born, Married or Dead, more then *thirty* dayes before his return to the County Court *five ſhillings*, and that no neglect may be herein for the future, the Clerk of each County Court is hereby enjoyned from time to time, to certifie the County Courts reſpectively the Names of all ſuch Clerks of the Writts, who ſhall neglect to make their yearly return according to this Law, who upon ſuch notice given, ſhall ſend for ſuch Clerks, and do in the caſe as the Law requireth.

Penalty of not certifying

A. 54. p. 24.

Clerk to return all Births deaths &c. to the County Court

3. It is Ordered and Declared, That every man ſhall have liberty to Record in the publick Rolls of any Court, any Teſtimony given upon Oath in the ſame Court, or before two Magiſtrates, or any Deed or Evidence legally confirmed, there to remain *in perpetuam rei memoriam.* *L. 1. p. 47.*

Liberty to record teſtimonies and evidences

And that every Inhabitant of the Country, ſhall have free liberty to ſearch and view any Rolls, Records or Regiſters of any Court or Office, except of the Council, and to have a Tranſcript or Exemplification thereof, Written, Examined and Signed by the hand of the Officer, paying the accuſtomed fees.

to view publick Records

And if any perſon or perſon repairing to any publick Officer of this Juriſdiction, to view any Record or Writings committed to his charge, ſhall wittingly and willingly Deface or Rent any ſuch Record or Writing, upon complaint of ſuch Officer to any Magiſtrate, and proof by Oath of the ſaid Officer, or other ſufficient Witneſs, every perſon ſo offending ſhall forfeit by the party concerned therein treble the damage that might have enſued or accrued to him or them thereby, and ſhall alſo be fined as much to the Country, or ſuffer two Months Impriſonment without Baile or Main prize, or ſtand in the Pillory two hours in Boſton Market, with a Paper over his head written in Capital Letters, *A. 52. p. 9.*

Penalty of defacing Records

A DEFACER OF RECORDS.

the ſpecial or particular puniſhment to be determined by the next County Court where the Offence was committed, and ſhall alſo ſtand bound to the good Behaviour, during the pleaſure of the Court. [*1639, 42, 43, 44, 47, 52, 57.*]

Directions to Court Officers to grant Copies, &c.

RE*ſolved upon the Queſtion*, That the words *Rolls, Records*, or *Regiſter of any Court or office* contained in the Printed Laws, *tit Records, &c. Sect. 3. pag. 69.* are to be Interpreted and underſtood only of ſuch Acts of Court as concern particular perſons in matters of Juſtice, Licence, Grant or Approbation, or of ſuch Laws as are of publick concernment. [*1651.*]

Seaſonable tranſcribing and delivery of matters of publick concernment by the Secretary

WHereas by reaſon that the Orders of this Court, referring to the Commiſſionating, Appointing and Impowring any particular perſon or perſons for any ſpecial truſt, negotiation or other matter as from time to time do ariſe, are not duely and ſeaſonably Tranſcribed and Delivered to thoſe concerned therein, the expectation of this Court is many times diſappointed, and damage to the publick doth inevitably accrue:

To the Marſhall Generall

It is therefore Ordered by this Court; That the Secretary, from time to time, within ten dayes after the end of every Seſſions of the General Court, ſhall Copy out all ſuch ſpecial Orders of this Court as aboveſaid, and deliver the ſame to the Marſhal General, who ſhall receive the ſame at the Secretaries houſe, and take Order for the ſpeedy and certain conveyance thereof, to thoſe whom they are eſpecially directed unto; And for ſuch Orders as do require a more ſpeedy diſpatch then the time above limited, the Officers above named ſhall accordingly haſten the ſame.

Marſhal General to attend the Treaſurers and Secretaries all reſſions, &c.

Alſo the Marſhal General ſhall from time to time receive all Warrants that are to be ſent to the ſeveral Towns from the Country Treaſurer; as alſo the Laws that are at any time to be publiſhed, either Printed or Written, and cauſe them to be delivered according to the direction given him from the Treaſurer or Secretary. [*1668.*]

REPLEVIN.

IT is Ordered and by this Court Declared, That every man ſhall have liberty to Replevie his Chattel or Goods Impounded, Diſtreined, Seized or Excluded, unleſs it be upon Execution after Judgement, and in payment of fines; Provided he put in good Security to proſecute the Replevin, and to ſatisfie ſuch Demand as his Adverſary ſhall recover againſt him in Law. [*1641.*]

SABBATH.

A. 33. p. 18. *UPon Information of ſundry Abuſes and Miſdemeanours committed by divers Perſons on the Lords-day, not only by Children playing in the Streets and other places; But by Youths, Maids and other perſons, both Strangers and others, uncivily walking in the Streets and Fields, traveling from Town to Town, going on Ship-board, frequenting Common-Houſes and other places to Drink, Sport or otherwiſe to miſpend that precious time, which thing tends much to the Diſhonour of God, the Reproach of Religion, Grieving the Souls of Gods Servants, and the Prophanation of his Holy Sabbath, the Sanctification whereof is ſometimes put for all Duties, immediately reſpecting the ſervice of God contained in the firſt Table;*

Prophaneſs of the Sabbath

It is therefore Ordered by this Court and the Authority thereof, That no Children, Youth, Maids or other perſons ſhall tranſgreſs in the like kinde, on penalty of being reputed great provokers of the high diſpleaſure of the Almighty God, and further incurre the penalty hereafter expreſſed, viz. That the Parents and Governours of all Children above ſeaven years old, (not that we approve younger Children in evil) for the firſt offence

Penalty

in that kinde, upon due proof before any Magiſtrate, Commiſſioner or Select-man of the Town where ſuch offence ſhall be committed, ſhall be Admoniſhed; For a ſecond offence, upon due proof as aforeſaid, ſhall pay as a fine *five ſhillings*; And for a third offence, upon due proof as aforeſaid *ten ſhillings*; And if they ſhall again offend in that kinde, they ſhall be preſented to the County Court, who ſhall augment puniſhment according to the merit of the Fact.

And for all Youths and Maids above *fourteen* years old, and all elder perſons

perſons whatſoever, that ſhall offend and be convict as aforeſaid, either for Playing, uncivil Walking, Drinking, Travailing from Town to Town, going on Ship board, Sporting, or any way miſpending that precious time, ſhall for the firſt offence be admoniſhed, upon due proof as aforeſaid, for a ſecond Offence, ſhall pay as a fine *five ſhillings*, and for the third offence *ten ſhillings*; And if any ſhall further offend that way, they ſhall be bound over to the next County Court, who ſhall augment puniſhment according to the nature of the offence: And if any be unable or unwilling to pay the aforeſaid fines, they ſhall be whipped by the Conſtable, not exceeding *five ſtripes* for *ten ſhillings* fine, and this to be underſtood of ſuch offences as ſhall be committed during the Day-light of the Lords day. [*1653.*]

2. *Whereas by too ſad experience, it is obſerved, the Sun being ſet, both every Saterday, and on the Lords day, young people and others take liberty to walk and ſport themſelves in the ſtreets or fields, in the ſeveral Towns of this Juriſdiction, to the Diſhonour of God, and the Diſturbance of others in their Religious exerciſes, and too frequently repair to publick Houſes of Entertainment, and there ſit Drinking, all which tends not only to the hindring of due preparation for the Sabbath, but as much as in them lyeth renders the Ordinances of God unprofitable, and threatens the rooting out of the power of Godlineſs, and procuring the wrath and judgement of God upon us and our poſterity; For prevention whereof;* *A. 32.*

It is Ordered by this Court and the Authority thereof; That if any perſon or perſons henceforth, either on the Satter-day night, or on the Lords day-night, after the Sun is ſet, ſhall be found ſporting in the ſtreets or fields of any Town in this Juriſdiction, Drinking, or being in any Houſe of publick Entertainment (unleſs Strangers or Sojourners in their Lodgings) and cannot give a ſatisfactory Reaſon to ſuch Magiſtrate or Commiſſioner in the ſeveral Towns as ſhall have the cognizance thereof: Every ſuch perſon ſo found complained of, and proved tranſgreſſing, ſhall pay *five ſhillings* for every ſuch Tranſgreſſion, or ſuffer Corporal puniſhment as Authority aforeſaid ſhall determine. [*1658.*]

Drinking in Ordinaries after Sun ſet

Penalty

THis Court being ſenſible, that through the wicked practiſes of many perſons, who do prophane Gods Holy Sabbaths, and contemn the publick Worſhip of his Houſe, the Name of God is greatly diſhonoured, and the Profeſſion of his People here greatly ſcandalized, as tending to all Prophaneneſs and Irreligion; As alſo that by reaſon of the late Order of Octob. 20. *1663. remitting the fines impoſed on ſuch to the uſe of the ſeveral Towns, the Laws made for reclaiming ſuch Enormities are become ineffectual;*

Do therefore Order and Enact; That henceforth all fines impoſed according to Law for Prophanation of the Sabbath, Contempt or Neglect of Gods publick Worſhip, Reproaching of the Laws, and Authority here Eſtabliſhed according to His Majeſties Charter, ſhall be to the uſe of the ſeveral Counties, as formerly; Any thing in the aboveſaid Law to the contrary notwithſtanding. And in caſe any perſon or perſons ſo ſentenced, do neglect or refuſe to pay ſuch Fine or Mulcts as ſhall be legally impoſed on them, or give Security in Court to the Treaſurer for payment thereof, every ſuch perſon or perſons ſo refuſing or neglecting to ſubmit to the Courts Sentence, ſhall for ſuch his Contempt be Corporally puniſhed, according as the Court that hath cognizance of the caſe ſhall determine: And where any are Corporally puniſhed, their fines ſhall be remitted. [*1665.*]

All fines for Prophanation of the Sabbath as formerly to be to the Counties, &c.

For the better Prevention of the Breach of the Sabbath;

It is Enacted by this Court and the Authority thereof; That no ſervile work ſhall be done on that day, *namely*, ſuch as are not works of Piety, of Charity, or of Neceſſity, and when other works are done on that day, the perſons ſo doing, upon Complaint or Preſentment, being legally convicted thereof before any Magiſtrate or County Court, ſhall pay for the firſt offence *ten ſhillings.* fine, and for every offence after to be doubled; and in caſe the offence herein be circumſtanced with Prophaneſs, or high handed Preſumption, the penalty is to be augmented at the diſcretion of the Judges.

Sabbath-breakers

As an addition to the Law, for preventing Prophaning the Sabbath day, by doing ſervile work;

This Court doth Order; That whatſoever perſon in this Juriſdiction ſhall Travail upon the Lords-day, either on Horſe back or on Foot, or by Boats, from, or out of their own Town, to any unlawful Aſſembly or Meeting, not allowed by Law; are hereby declared to be Prophaners of the Sabbath, and ſhall be provided againſt as the perſons that Prophane the Lords-day, by doing ſervile work. [*1668.*]

SAILERS.

L. 2. P. 14. *WHereas many Miſcarriages are committed by Saylers, by their immoderate Drinking, and other vain expences in Ordinaries, which oftentimes occaſions prejudice and damage to the Maſters and Owners of the Veſſels to which they belong, their men being oftentimes Arreſted for Debts ſo made when their Ships are ready to ſet ſaile; For Prevention whereof*;

It is Ordered by this Court and the Authority thereof; That no Innekeeper, Victualler or other, Seller of Wine, Beer or Strong Liquors, ſhall after publication hereof, Arreſt, Attach, or recover by Law, any Debt or Debts ſo made by any Sayler or Saylors as aforeſaid, except the Maſter or Owner of ſuch Ship or Veſſel to whom ſuch Saylers belongs, have given under his hand to diſcharge the ſame; Any Law, Uſe or Cuſtome to the contrary notwithſtanding.

SALT

UPon Information given to this Court of great damage accruing, both to Merchants and others, by reaſon no meet perſons are appointed for to meaſure Salt from ſuch Ships as arrive in our ſeveral Harbours;

This

This Court doth therefore Order and Enact; That there ſhall be in every Maritime Town, within this Juriſdiction, one meet perſon appointed by the Town from time to time, who ſhall diligently attend this ſervice, upon due notice given by either party concerned therein; and the ſame truely and faithfully to diſcharge, for which he ſhall be allowed *three half pence* for every Hogſhead, the one half to be paid by the Buyer and the other half by the Seller; *Salt to be meaſured*

And what Maſters of Ships or other Veſſels, or Merchants, ſhall fail in the obſervation of this Order, he or they ſhall forfeit to the Country *two ſhillings* for every Tunne ſo diſpoſed of, unleſs the parties ſhall otherwiſe agree.

SALT-PEETER.

WHereas this Court hath Encouraged and Authorized ſome Perſons to make Gun-Powder, and have promiſed to enable them thereunto, by ſuch Publick and Neceſſary Orders as may conduce to the effecting the ſame;

The conſideration whereof hath moved the Court hereby to Order and Enact, That the Select-men of every Town (where the Powder makers Authorized by this Court ſhall deſire it) be Authorized and Required hereby to make and execute ſuch Orders in their reſpective Towns as they ſhall judgde meet (with the advice of skilful perſons) for increaſing and procuring of Salt-Peeter, and to impoſe ſuch penalties as the Select-men ſhall ſee meet; not exceeding *ten ſhillings* for one offence, upon all perſons that ſhall neglect or refuſe to perform ſuch Order or Orders for the propagating and increaſing of Salt Peeter in their reſpective Towns: *Select-men to make Orders with penalty to propagate Salt-Peeter, &c.*

And Moreover the ſaid Select-men are further Impowred to chooſe and appoint an Officer or Officers, and to allow him a convenient ſtipend Annually for his pains out of the fines or otherwiſe, to look to the executing ſuch Orders as they ſhall make in that behalf.

And it is further Ordered; That ſuch Select men, who ſhall neglect or refuſe to make, and effectually Execute ſuch neceſſary Orders as ſhall conduce to the ends aforeſaid, they ſhall be Preſented at the Court of that County, and there be fined for their neglect, at the diſcretion of the Court, not exceeding *five pounds* for one offence; And this Law to be put in Execution forthwith after the publication thereof, and this to continue during the Courts pleaſure. [*1666.*]

Seal-Publick.

IT is Ordered by this Court and the Authority thereof; That the Governour for the time being, or any other Officer to whom the cuſtody

of the Publick Seal is committed, do affix the publick-Seal unto all Commiſſions for Military Officers, and to all other Commiſſions and Writings of publick concernment, that ſhall iſſue forth from this Court or the Council without paying any thing for the Seal; And the Secretary for the time, ſhall write and procure the Seal to be affixed, and deliver the ſaid Commiſſions and other publick Inſtruments to the parties concerned; and for his Fees of Writing and Wax, he is allowed *one ſhilling* for every Commiſſion or other publick Inſtruments, to be paid by the Treaſurer of the Country; And this Law to be in force, any Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1664.*]

SCHOOLS.

IT being one chief project of Sathan to keep men from the knowledge of the Scripture, as in former times, keeping them in unknown Tongues, ſo in theſe latter times, by perſwading from the uſe of Tongues, that ſo at leaſt the true ſenſe and meaning of the Original might be clouded and corrupted with falſe gloſſes of Deceivers: to the end that Learning may not be buried in the Graves of our fore Fathers, in Church and Common-wealth, the Lord aſſiſting our endeavours;

Schools in towns of 50 Families

how maintained

It is therefore Ordered by this Court and Authority thereof; That every Town ſhip within this Juriſdiction, after the Lord hath increaſed them to the number of *fifty* Houſe holders, ſhall then forthwith appoint one within their Towns, to teach all ſuch Children as ſhall reſort to him to Write and Read, whoſe Wages ſhall be paid either by the Parents or Maſters of ſuch Children, or by the Inhabitants in general, by way of ſupply, as the major part of thoſe that Order the prudentials of the Town ſhall appoint; Provided that thoſe which ſend their Children be not oppreſſed by paying much more then they can have them taught for in other Towns.

Grammar ſchool

Towns neglect, to pay 5 li per Anhum to the next School

2. And it is further Ordered, That where any Town ſhall increaſe to the number of *one hundred* Families or Houſe-holders, they ſhall ſet up a *Grammar School*, the Maſter thereof being able to Inſtruct Youth ſo far as they may be fitted for the Univerſity: And if any Town neglect the performance hereof above one year, then every ſuch Town ſhall pay *five pounds per Annum* to the next ſuch School, till they ſhall perform this Order.

A. 54. p. 1.

Hetrodox School Maſter not to be allowed

3 *Forаſmuch as it greatly concerns the welfare of this Country, that the Youth thereof be Educated, not only in good Litterature, but in ſound Doctrine;* This Court doth therefore commend it to the ſerious conſideration, and ſpecial care of our Overſeers of the Colledge, and the Seleſt men in the ſeveral Towns, not to admit or ſuffer any ſuch to be continued in the Office or Place of Teaching, Educating or Inſtructing Youth or Children, in the Colledge or Schools, that have manifeſted themſelves unſound in the Faith, or ſcandalous in their Lives, and have not given ſatisfaction according to the Rules of Chriſt.

Whereas

WHereas the Law requires every Town conſiſting of one nundred *Families or upwards to ſet up a* Grammar School *and appoint a Maſter thereof, able to inſtruct Youth, ſo as to fit them for the* Colledge; *and upon neglect thereof the ſaid Town is to pay* five pounds *per Annum to the next Latin School, until they ſhall perform that Order*;

A Grammar School to be in Towns of 100 Families

The Court upon weighty Reaſons judge meet to Declare and Order; That every Town of *one Hundred* Families and upwards, that ſhall neglect or omit to keep a *Grammar School*, as is provided in that Law, ſuch Towns ſhall pay *ten pounds per Annum* unto the next Town School that is ſettled according to that Law. [*1671.*]

SELF-MURTHER.

THis Court conſidering how far Satan doth prevail upon ſeveral perſons within this Juriſdiction, to make away themſelves, judgeth that God calls them to bear teſtimony againſt ſuch wicked and unnatural practiſes, that others may be deterred therefrom;

Self murders not allowed ordinary burials

Do therefore Order, That from henceforth, if any perſon Inhabitant or Stranger, ſhall at any time be found by any Jury to lay violent hands on themſelves, or be wilfully guilty of their own Death, every ſuch perſon ſhall be denied the priviledge of being Buried in the Common Burying place of Chriſtians, but ſhall be Buried in ſome Common High-way where the Select-men of the Town where ſuch perſon did inhabit ſhall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practiſes. [*1660*]

SHEEP.

WHereas the keeping of Sheep tends much to the benefit of the Country, and may in ſhort time make good ſupply towards the cloathing of the Inhabitants if carefully preſerved; and foraſmuch as all places are not fit and convenient for that end; *L 2 p. 14.*

Liberty to keep Sheep on all Commons

Five Sheep for one Cow

It is Ordered by this Court; That henceforth it ſhall be lawful for any man to keep Sheep on any Common, be it for Cows, Oxen or otherwiſe, belonging to the Town where he lives, or where at that time he may have Right of Common and that without limitation, in Commons not ſtinted, and in ſuch Commons that are ſtinted, it ſhall be lawful for any Inhabitant to uſe any or all his proportion of Common for Sheep, ac-

A. 36. p. 12.

Select-men to order clearing of Commons for sheeps pasture

counting five Sheep for one Cow, Steer or Oxe; and further, it ſhall be lawful for the Select-men of every Town from time to time, to make ſuch Orders in their reſpective Towns, for the clearing of their Commons of Wood and Bruſh, for keeping of Sheep, as alſo for the fines of putting Rams to their Flocks, as they ſhall judge meet.

Dogs killing ſheep to be hanged

2. It is further Ordered; That if any man ſhall courſe Sheep with a Dog, or otherwiſe moleſt them, by driving them from their feeding, he ſhall pay *five ſhillings* for every ſuch offence, beſides double damages, and if any dog ſhall kill any ſheep, the Owner ſhall either hang ſuch dog, or pay double damages for the ſheep, and if any dog hath been ſeen to courſe or bite Sheep before, not being ſet on, and his Owner hath had notice thereof, then he ſhall both hang his dog, and pay for ſuch Sheep as he ſhall either bite or kill; And if in ſuch caſe he ſhall refuſe to hang his dog, then the Conſtable of the Town upon notice thereof, ſhall forthwith cauſe it to be done.

A. 53. p. 18.

Sheep to be waſhed before ſhorn,

wool to be made up clean

3. It is further Ordered; That all Owners of Sheep, who ſhall put their Wool ſo ſale, ſhall, and hereby are enjoyned yearly to waſh their Sheep in clear water, not being either ſalt, brackiſh or dirty, and ſhall take care they be not kept in dirty or ſandy Ground, between the time of waſhing and ſhearing; And in making up the Fleeces to take care no ſhort Locks, Lumps of dirt, or courſe Tails be wound up therein, upon the penalty of forfeiture of *twelve pence* a Sheep for all and every defect aforeſaid. [*1648, 53, 56.*]

Ships, Ship-Carpenters.

WHereas the building of Ships is a buſineſs of great Importance for the Common good, and therefore ſuitable care ought to be taken, that it be well performed, according to the commendable courſe of England *and other places*;

Surveyors appointed to view all ſhips in building

It is therefore Ordered by this Court and the Authority thereof; That when any Ship is to be Built within this Juriſdiction, or any Veſſel above thirty Tunns, the Owner, or Builder in his abſence, ſhall before they begin to Plank, repair to the Governour or Deputy Governour, or any two Magiſtrates, upon the penalty of *ten pounds*, who ſhall appoint ſome able man to ſurvey the Work and Workmen from time to time, as is uſual in *England*, and the ſame ſo appointed, ſhall have ſuch liberty and power as belongs to his Office.

their power

And if any Ship-Carpenter ſhall not upon his Advice, Reform and Amend any thing which he ſhall finde to be amiſs, then upon complaint to the Governour, or Deputy Governour, or any two Magiſtrates, they ſhall appoint two of the moſt ſufficient Ship-Carpenters of this Juriſdiction, and ſhall Authorize them from time to time, as need ſhall require, to take view of every ſuch Ship and all works thereto belonging, and to ſee that it be performed and carried on according to the Rules of their Art.

oath

And for this end an Oath ſhall be Adminiſtred to them, to be faithful and

and indifferent between the Owner and the Work-man, and their charges ſhall be born by ſuch as ſhall be found in default: Charges
And thoſe Viewers ſhall have power to cauſe any bad Timbers, or other inſufficient Work or Materials to be taken out and amended at the charge of them through whoſe default it grows. [*1641, 47.*]

2. It is Ordered by the Authority of this Court; That all Ships which come for Trading only from other parts, ſhall have free acceſs into our Harbours, and quiet Riding there, and free liberty to depart without any moleſtation by us, they paying all ſuch duties and charges required by Law in the Country, as others do. [*1645.*] *Repealed.*

THis Court having peruſed and conſidered the Letter received from his *Majeſties moſt Honourable Privy Council*, dated the 24 of June laſt, *relating to an Act of Parliament, Entituled*, An Act for the Encouraging and Increaſing of Shipping and Navigation; *As an Addition and Explanation of former Orders made by this Court concerning theſe Affairs*;

It is hereby Ordered and Enacted; That the ſeveral Officers hereafter mentioned, are hereby Deputed and Authorized to ſee that the ſaid Act be performed, ſo far as it concerns the Government of this Plantation, both in ſeizing Ships or Veſſels inhibibited by the ſaid Act to Trade here, taking Bonds of all Ships and Veſſels that Lades in our Ports any Commodities expreſſed in the ſaid Act, of the Growth, Product or Manufactory of the Engliſh Plantations, who ſhall not produce certificate that they have given Bond already as the ſaid Act requireth. Officers Authorized about Shipping

And in caſe of neglects or contempt, to ſeize ſuch Veſſels or Ships that Lades the aforeſaid Goods without giving Bond or ſhewing Certificates: and to keep accounts of all ſuch Ships and Veſſels, with the Names of the Maſters, that Lades here as aforeſaid, and return an account twice every year, with Copies of the ſaid Bonds and Certificates unto the Governour for the time being, by him to be tranſmitted to *London*, directed to the chief Officer there.

The Officers appointed are as followeth:

For the Ports of *Boſton* and *Charlſtown*, Mr. *Edward Rawſon*. Their Names
For *Salem*, *Marble-head* and *Gloceſter*, Mr. *Hilliard Veren*.
For the River of *Paſcataqua* and *Iſle of Shoals*, and *Ports adjacent*. Captain *Brian Pendleton*.

The Fees they are Authorized to take of every Ship-Maſter, are

For taking Bond, and Tranſcribing the Copy *five ſhillings*.
For Receiving and Entring a Certificate, *two ſhillings ſix pence*. And Fees
For giving Certificate, and Recording it, *two ſhillings ſix pence*.
Their part of ſeizures as the ſaid Act directeth.

Bonds of Ship-Maſters, &c.

And that all imployed in this truſt, do from time to time make return of all Bonds and Certificates by them paſſed to Mr. *Rawſon*, who by the Governours Advice ſhall make return thereof for *England*, as the Act of Parliament requireth: And that Mr *Rawſon* do from time to time preſent the Council of this Common weal, or in default thereof the Court of Aſſiſtants, with true Accounts of all Bonds and Certificates, and Copies of all Letters that he ſhall ſend for *England*, in any wiſe referring to this matter.

Moreover it is Ordered; That the Secretary take ſpecial care forthwith to ſend by the firſt oportunity four Copies of the Councils, and one of the Copies of the Act of Parliament relating thereunto, to the four General Governments of *New-England*, viz. *Plimouth*, *Connecticot*, *New-Haven*, and *Road Iſland*. [*1663.*]

Penalty for drinking healths &c. in ſhips or veſſels

BE it alſo Enacted by the Authority of this Court; That no Maſters of Ships, or Seamen, having their Veſſels Riding within any of our Harbours in this Juriſdiction, ſhall preſume to Drink Healths, or ſuffer any Healths to be drunk within their Veſſels by day or night, or to ſhoot off any Gun after the Day-light is paſt, or on the Sabbath-day, on penalty for every Health *twenty ſhillings*, and for every Gun ſo ſhot *twenty ſhillings*.

And the Captain of the Caſtle is hereby enjoyned to give notice of this Order to all Ships that paſs by the Caſtle. [*1663.*]

Ships of Burden to pay half a pound of Powder the Tun

IT is Ordered by this Court and the Authority thereof; That all Ships and Veſſels above *Twenty Tuns*, that Trade within our Ports belonging to other places; or that the greater part of the Owners thereof, are not Inhabitants of this Juriſdiction, ſhall pay half a pound of Gun-powder, or the full value thereof in money, for every Tun of Burthen they are of, every Voyage they make hither, towards Proviſions for Publick Fortifications, which is to be paid to the perſons hereafter named, or to whom they ſhall Depute under their hands.

For the Ports of *Boſton* and *Charls-town* Major General *Leveret.*
For *Salem* and *Marble-head*, Major *William Hauthorn.*
For *Paſcataqua River*, Mr. *Richard Cutts.*

And in caſe if Maſter or Commander of any ſuch Ships or Veſſels ſhall refuſe upon Demand to pay the ſame, it ſhall be lawful for the ſaid Gentlemen, or any one of them to ſend forth their Warrants to any Marſhal or Conſtable, to Diſtrein upon the Goods of ſuch Maſter or Commander, or on any of the Appurtinencies of their Veſſels for the ſame, with the charges thereof; And the Gentlemen appointed as aforeſaid, ſhall be accountable to the General Court when called thereunto, for what they ſhall receive by virtue of this Order, and are to deliver the Powder or Money they have in their Hands once every year or oftener unto the Surveyor General, excepting *one ſhilling* out of every *twenty ſhillings* they ſhall receive, which ſhall be allowed them for Defraying their neceſſary charges thereabout. [*1667.*]

TO prevent Calumny, Reproach and Prejudice to this Colony and the Inhabitants, and Trade thereof;

It is Ordered; That no perſon ſhall henceforth Trade or Truck with any Veſſel that ſhall Arrive upon our Coaſt, until the ſame ſhall come under command, and ride in our uſual Harbours, and have acknowledged the Government as the Law provides, upon the penalties of all ſuch Goods Traded, and ſuch further puniſhment as the Court of Aſſiſtants ſhall adjudge. [*1670.*]

All trade with ships forbidden before the vernment be ac knowledged

SPINNING.

THis Court taking into ſerious Conſideration the preſent ſtreights and neceſſities of the Country, in reſpect of Cloathing, which is not like to be ſo plentifully ſupplied from forreign parts as in times paſt, and not knowing any better way or means conduceable to our ſubſiſtance, then the improving of as many hands as may be in Spinning Wool, Cotton, Flax, &c. *A. 55 p. 11.*

Doth therefore Order, and be it Ordered by the Authority of this Court; That all hands not neceſſarily imployed on other occaſions, as Women, Girls and Boyes, ſhall and hereby are enjoyned to Spin according to their skill and ability; and that the Select men in every Town do conſider the condition and capacity of every family, and accordingly do aſſeſs them at one or more Spinners;

Select men to appoint how much each family ſhall Spin

And becauſe ſeveral Families are neceſſarily imployed the greateſt part of their time in other buſineſs, yet if opportunities were attended, ſome time might be ſpared, at leaſt by ſome of them for this work;

The ſaid Select Men ſhall therefore Aſſeſs ſuch Families at half and quarter Spinners, according to their capacities.

And every one thus aforeſaid, for a whole Spinner, ſhall for time to come, Spin every Year for thirty Weeks, three pound a Week of Linnen, Cotton or Woollen, and ſo proportionably for half and quarter Spinners, under the penalty of *twelve pence* a pound ſhort.

And the Select Men ſhall take ſpecial care for the Execution of the Order, which may eaſily be effected by dividing their ſeveral Towns into *ten, ſix, five,* &c. parts, and to appoint one of the *ten, ſix or five,* &c. to take an account of their Diviſions, and to certifie the Select Men, if any be defective in what they are Aſſeſſed, who ſhall improve the penalties impoſed on ſuch as are negligent, for the encouragement of thoſe that are diligent in this work, [*1655.*]

STRAYES.

Finders of goods to give notice to the Conſt. to cry

IT is Ordered by this Court and the Authority thereof; That whoſoever ſhall take up any Stray Beaſt, or finde any Goods loſt, whereof the Owner is not known, he ſhall give notice thereof to the Conſtable of the ſame Town, within ſix dayes, who ſhall enter the ſame in a Book, and take Order that it be cryed at their next Lecture or General Town meeting, upon three ſeveral dayes; And if it be above *twenty ſhillings* value, at the next Market or two next Towns publick Meetings where no Market is within *ten miles*, upon pain that the party ſo finding, and the ſaid Conſtable having ſuch notice and failing to do as is here appointed, to forfeit either of them for ſuch default, one third part of the value of ſuch Stray or loſt Goods:

Finders to appraize & Record loſt goods

And if the finder ſhall not give notice as aforeſaid, within one Month, or if he keep it more then three Months and ſhall not apprize it by indifferent men, and alſo Record it with the Recorder of the County Court where it is found, he ſhall then forfeit the full value thereof:

Before the goods if the Owner appear in a year

And if the Owner appeareth within one Year after ſuch Publication, he ſhall have reſtitution of the ſame, or the value thereof, paying all neceſſary charges, and to the Conſtable for his care and pains, as one of the next Magiſtrates, or the three Commiſſioners of the Town ſhall adjudge. And if no Owner appear within the time prefixed, the ſaid Stray or loſt Goods ſhall be to the uſe of the finder, paying to the Conſtable *ten ſhillings*, or the fifth part of the value of ſuch Stray or loſt Goods, at the finders choice.

Stray beaſt to have a Wyth about the neck

And it is Ordered; That every ſuch finder ſhall put and keep from time time a Wyth or Wreath about the neck of every ſuch Stray Beaſt within one Moneth after ſuch finding, upon penalty of looſing all his charges that ſhall ariſe about it afterwards, (provided that no perſon ſhall from the firſt of *April* to the twentieth of *December*, take up any Horſe Gelding or Mare for a Stray, or account or uſe them as Strayes, though the Owner thereof be not known; unleſs it be taken Damage feizant in incloſures) Provided alſo, that if any Owner or other, ſhall take off ſuch Wyth or Wreath, or take away ſuch Beaſt before he hath diſcharged according to this Order, he ſhall forfeit the full value of the thing (apprized as aforeſaid) to the uſe of the finder. [*1647.*]

Taking off the Wyth, or taking away the beaſt forfeit the value

Addition to the Law of Strayes.

AS an Addition and Explanation of the Law tit. Strayes; *This Court finding that ſeveral inconveniences and troubles do ariſe about Strayes, Chattel and Horſes*, &c. *and that the temptation may be too great on ſome perſons in remote Towns and Farms, to take up Chattel*, &c. *and make Strayes of them, the whole benefit redounding to themſelves*;

To be cryed in the Town on which they have the Brand mark

This Court doth Order for the time to come, That all Strayes ſhall be firſt cryed in that Town of which they have the Brand-mark; And that all ſuch Strayes and other loſt Goods contained in the ſaid Law, ſhall be entred with the County Recorder in each County, and by him transferred to

to the Country Treaſurer within one Moneth; and in caſe the ſaid Goods and Strayes are not owned within one year, as is therein expreſſed, then the one half, or the value of one half ſhall be to the uſe of the Country, and the other half to the finder, the charges being firſt paid out of the whole [*1666.*]

To be entred with the Recorder of the County

Half to the County & the other half to the Finder

STRANGERS.

WHereas we are credibly informed that great miſchiefs have been done to other Plantations by reaſon of Commanders, Souldiers, and other Strangers; To prevent the like in this Juriſdiction; *A. 5 1. p. 7.*

It is Ordered by this Court and Authority thereof, That henceforth all Strangers of what quality ſoever, above the age of *ſixteen years*, Arriving in any Ports or Parts of this Juriſdiction, in any Ship or Veſſel, ſhall immediately be brought before the Governour, Deputy Governour, or two other Magiſtrates, by the Maſter or Mate of the ſaid Ship or Veſſel, upon penalty of *twenty pounds* for default thereof, there to give an account of their occaſions and buſineſs in this Country, whereby ſatisfaction may be given, and Order taken with ſuch Strangers as the ſaid Governour, Deputy Governour, two Magiſtrates, or the next County Court ſhall ſee meet, who ſhall keep a Record of the Names and Qualities of all ſuch Strangers, to be returned to the next General Court.

Strangers Arriving to be brought before the Governour

And for the Publications of this Order;

It is Ordered, the ſame to be Poſted upon the Doors or Poſts of the Meeting-houſes and other publick places in all the Port Towns of this Juriſdiction:

Capt of the Caſtle to give notice of this Order

And the Captain of the Caſtle ſhall make known this Order to every Ship or Veſſel as it paſſeth by, and the Conſtable of every Port Town ſhall endeavour to do the like to ſuch Ships or Veſſels before they Land their Paſſengers. [*1651.*]

And if any Strangers, or People of other Nations, profeſſing the true Chriſtian Religion, ſhall fly to us from the Tyrany or Oppreſſion of their Perſecutors, or from Famine, Wars or the like neceſſary and compulſory Cauſe, they ſhall be entertained and ſuccoured amongſt us according to that power and prudence God ſhall give us. [*1641.*] *L. 1. p. 23.*

Strangers to be ſuccoured

Every perſon within this Juriſdiction, whether Inhabitant or Stranger, ſhall enjoy the ſame Law and Juſtice that is general for this Juriſdiction, which we conſtitute and execute one towards another in all caſes proper to our cognizance, without partiality or delay. [*1641.*] *L. 2. p. 32.*

No Town or perſon ſhall receive any Stranger Reſorting hither with intent to Reſide in this Juriſdiction, nor ſhall allow any Lot or Habitation to any, or entertain any ſuch above three Weeks, except ſuch perſon ſhall have allowance under the hand of ſome one Magiſtrate, upon pain of every Town that ſhall give or ſell any Lot or Habitation to any not ſo Licenſed ſuch fine to the Country as the County Court ſhall impoſe, not exceeding *fifty pounds*, nor leſs then *ten pounds*; And of every perſon receiving any ſuch for longer time then is hereby allowed, except

Strangers to have equal Juſtice

No Town or perſon to entertain ſtrangers without allowance

in caſe of entertainment of friends reſorting from other parts of this Country in amity with us, to forfeit as aforeſaid, not exceeding *twenty pounds*, nor leſs then *four pounds*; and for every Moneth after ſo offending ſhall forfeit as aforeſaid, not exceeding *ten pounds*, nor leſs then *forty ſhillings*.

Finable

And every Conſtable ſhall inform the Courts of all new comers, which they know to be admitted without Licenſe from time to time. [*1637, 38, 47.*]

Sureties and Goods Attached.

L. 1. p. 15.

Upon Information of ſome inconveniencies accruing to ſeveral perſons, in that men take themſelves acquitted and free from all legal obſervations in caſe of appearance in Courts, according to the expreſs tearms of the Bond, or at moſt if the Principal there ſtay till Verdict and Judgement be given (which if they be) they may then make away their Eſtates, or abſent their perſons before the twelve hours be expired for granting Execution, whereby the party recovering may either be deprived of, or much damaged in his juſt Rights;

Not diſcharged till Judgement be ſatisfied

It is therefore Ordered by this Court and the Authority thereof; That henceforth all Goods Attached upon any Action, ſhall not be releaſed upon the appearance of the party, or Judgement given, but ſhall ſtand engaged until the Judgement, or the Execution granted upon the ſaid Judgement be diſcharged:

or the perſon delivered to the Marſhal

Nor ſhall any Surety or Sureties for appearance in any Court, except in Capital or Criminal Caſes, be releaſed from his or their Bond until the Execution as aforeſaid be diſcharged and ſatisfied, or the Principal Perſon be ſurrendred into the hands of the Marſhal or his Deputy, who ſhall ſecure him till the Judgement be diſcharged, any Law, Cuſtome or Uſage to the Contrary notwithſtanding.

Goods & perſons Attached one month after Judgement releaſed

Provided alwayes. That henceforth in all Civil proceedings (except in caſes where the Defendant is a Stranger) where Execution is not taken out and Executed within one Moneth after that Judgement is granted, all ſuch Attachments, whether on perſons or Eſtates, with Sureties, ſhall be releaſed and void in Law; any Law, Uſage or Cuſtome to the contrary notwithſtanding: unleſs the Court that granted the Judgement ſhall ſee cauſe to give further time, and reſpit of Execution in any particular caſe.

Swearing and Curſing.

Swearing 10, 9,

IT is Ordered by this Court and Authority thereof; That if any perſon within this Juriſdiction, ſhall Swear raſhly or vainly by the Holy Name

of

of God, or other Oath, he ſhall forfeit to the Common Treaſury for every ſuch offence *ten ſhillings*; and it ſhall be in the power of any Magiſtrate, by warrant to the Conſtable, to call ſuch perſon before him, and upon ſufficient proof to ſentence ſuch offender, and to give Order to leavie the fine; and if ſuch perſon be not able, or ſhall refuſe to pay the ſaid fine, he ſhall be committed to the Stocks, there to continue not exceeding three houre, nor leſs then one hour.

Swearing 10 s. or ſit in ſtocks

2. And if any perſon ſhall ſwear more Oaths then one at a time, before he remove out of the Room or Company where he ſo Swears, he ſhall then pay *twenty ſhillings*.

L. 2. p. 14. more Oaths then one 20 s.

The like penalty ſhall be inflicted for Prophane and Wicked Curſing of any Perſon or Creature, and for the multiplying the ſame, as is appointed for prophane Swearing; and in caſe any perſon ſo offending, by multiplying Oaths or Curſing, ſhall not pay his or their fines forthwith, they ſhall be whipt or committed to Priſon till they ſhall pay the ſame, at the diſcretion of the Court or Magiſtrate that ſhall have cognizance thereof.

like penalty for Curſing

SWINE.

IT is Ordered by this Court and the Authority thereof; That every Town-ſhip within this Juriſdiction, or the Select-men thereof, are impowred and hereby required from time to time, to make Orders for preventing all harms by Swine, in Corn, Meadows, Paſtures and Gardens, as alſo all danger to Children or elder perſons in any reſpects by Swine, and to impoſe penalties according to their beſt diſcretion, and to appoint one of their Inhabitants, by Warrant under the hands of the Select-men, or the Conſtable where no Select-men are, to leavie ſuch fines and penalties; and if any perſon choſen to ſee the Execution of this Order, ſhall neglect or refuſe the ſame, he ſhall forfeit *five pounds*, the one half to the Town, the other half to the party that accepts the place, and performs his duty therein.

Select-men to make Orders to prevent harms by Swine

A. 1658.

2 *And where Towns Border each upon other, whoſe Orders it may be are various*;

Satisfaction ſhall be made for harms done by Swine, according to the Orders of the Town where the damage is done.

Damage to be paid according to the Town Orders where it is done

But if the Swine be Ringed and Yoaked, or otherwiſe, as the Orders of the Town to which they belong, doth require, then where no Fence is, or that it be inſufficient, through which the Swine come to Treſpaſs, the Owner of the Land or Fence ſhall bear all damages.

And it is hereby Declared; That all Fences made of Stone, Pales, Rails, Rivers, Creeks, or any other Fences which are allowed (by ſuch men as are appointed in the ſeveral Towns to view Fences) to be ſufficient againſt great Cattle, ſhall be held and accounted ſufficient againſt

No Fence no damage

A. 51. p. 4.

Fences ſufficient

Swine, and all Swine breaking through ſuch Fences, ſhall be liable to make ſatisfaction for all Damages done.

No owners appearing Swine to be prized

3. And if any *Swine* be Impounded for Damage done, and there be kept three dayes, and that no perſon will own them, then the party Damnified ſhall give notice to the two next Towns (where any are within five miles Compaſs) that ſuch *Swine* are to be ſold by an Out-cry, within three dayes after ſuch notice by the party Damnified; and in caſe none will buy, he ſhall cauſe them to be Appriſed by two indifferent men (one whereof ſhall be the Conſtable or one choſen by him) ſignified under their hands in Writing and may keep them for his own uſe. And in both caſes, if the Owner ſhall after appear, the overplus according to the ſaid valuation (all Damages and Charges being paid) ſhall forthwith be rendred to him.

And if any Town or *Select* men ſhall neglect to take Order for preventing harms by wine according to this Law, more then *one Moneth* after publication hereof, ſuch Town of *Select* men ſhall forfeit to the Treaſury *forty ſhillings* for every Moneth ſo neglecting. [*1647, 51, 58.*]

TILE-EARTH.

IT is Ordered by this Court; That all Tile Earth to make Sale Ware, ſhall be Digged before the *firſt of the ninth Moneth*, and turned over in the *laſt and firſt Moneth* enſuing, *a Moneth before it be wrought*, upon pain of forfeiting one half part of all ſuch Tiles as ſhall be otherwiſe made, to the uſe of the Common Treaſury. [*1647.*]

TOBACCO.

IT is Ordered by this Court; That no man ſhall take any Tobacco within twenty Poles of any Houſe, or ſo near as may indanger the ſame, or near any Barn, Corn, or Hay cock, as may occaſion the firing thereof, upon pain of *ten ſhillings* for every ſuch offence, beſides full Recompence of all Damages done by means thereof;

Nor ſhall any take Tobacco in any Inne or common Victual Houſe, except in a private Room there, ſo as neither the Maſter of the ſaid Houſe, nor any other Gueſt there ſhall take offence thereat, which if any do, then ſuch perſon ſhall forthwith forbear, upon pain of *two ſhillings ſix pence* for every ſuch offence. And all fines incurred by this Law, the one half part ſhall be to the Informer, the other to the Poor of the Town where the offence is done. [*1638, 47*]

Tolling

Tolling of Cattle.

FOr *the prevention of Fellonious practiſes growing upon us, by Stealing of Horſe-kinde, and other Neat Cattle, and ſelling them as their own*;

It is Ordered by this Court and the Authority thereof, That there ſhall be a Toll-Book kept in every Town by the Clerk of the Writts, wherein all Horſe-kinde, and other Cattle as aforeſaid, bought of any perſon, ſhall be Entred, with their Age, Colour and Marks, at the peril of the Buyer, with the Name of the Seller; and ſuch Seller ſhall have two vouchers to Teſtifie the ſaid Seller to be the proper Owner of ſuch Horſe-kinde or other Cattle ſo ſold; or in caſe of Horſe-kinde or Cattle ſo ſold, ſhall be challenged by any other perſon, the Vouchers in caſe of the eſcape of the Seller, ſhall be liable to all damages that ſhall ariſe thereupon: And the Clerk of the Writts ſhall have *three pence* of the Buyer, for entring every ſuch Horſe-kinde, or Neat Cattle; And if any Horſe-kinde, or other Cattle as aforeſaid, ſo bought by any perſon be not Toll'd, nor Sellers, nor Vouchers found, upon challenge of any ſuch Cattle, the ſaid Buyer ſhall be liable to all Damages, as the Felon himſelf ſhould be were he preſent: And any perſon or perſons having loſt any Horſe kinde, or other ſuch Cattle, ſhall have free liberty to ſearch any Toll Book in any Town, in any ſuch caſe. [*1668.*]

TOWN-SHIP.

WHereas *particular Towns have many things which concern onely themſelves and the ordering their own affairs, and diſpoſing of buſineſs in their own Town*; *L. 2. p. 10.*

It is therefore Ordered, That the Freemen of every Town, with ſuch others as are allowed, or the major part of them, ſhall have power to diſpoſe of their own Lands and Woods, with all the Priviledges and Appurtenances of the ſaid Towns, to grant Lots, and alſo to chuſe their own particular Officers, as Conſtables, Surveyors for the High wayes, and the like Annually, or otherwiſe as need requires; And to make ſuch Laws and Conſtitutions as may concern the welfare of their Town; Provided they be not of a Criminal, but of a Prudential nature, and that their penalties exceed not *twenty ſhillings* for one offence, and that they be not Repugnant to the publick Laws and Orders of the Country.

Towns power to diſpoſe Lands.

Chooſe officers

To make Orders

And if any Inhabitant ſhall neglect or refuſe to obſerve them, they ſhall have power to leavie the appointed penalty by Diſtreſs.

And if any man ſhall behave himſelf offenſively at any Town-meeting, the reſt then preſent ſhall have power to Sentence him for ſuch offence, ſo as the penalty exceed not *twenty ſhillings*.

2. And every Town-ſhip hath power to chuſe yearly, or for leſs time, a convenient number of fit men to order the Planting, and prudential Affairs of their Towns, according to inſtruction given them in Writing, Provided nothing be done by them contrary to the Laws and Orders of the Country, Provided alſo that the number of the Select-men be not above nine.

To chooſe Select-men

To diſpoſe of ſingle perſons

3. And all Towns ſhall take care from time to time, to Order and Diſpoſe all ſingle perſons and inmates within their Towns, to ſervice or otherwiſe, and if any be grieved at ſuch Order or Diſpoſal, they have liberty to Appeal to the next County Court.

A. 55.

[1670.

4. And it is hereby Ordered and Enacted; That all Engliſh-men, that are ſettled Inhabitants and Houſe-holders in any Town, of the age of *twenty four years*, and of honeſt and good Converſations, being Rated at *eighty pounds* Eſtate in a ſingle Country Rate, and that have taken the Oath of Fidelity to this Government, and no other (except Freemen) may be choſen Select men, Jurors or Conſtables, and have their Vote in the choice of the Select men, for the Town Affaires, Aſſeſsments of Rates and other Prudentials proper to the Town; Provided alwayes the major part of the companies of Select men be Freemen from time to time, that ſhall make a valid Act, as alſo where no Select-men are, to have their Vote in ordering Schools, Heaiding of Cattle, laying out High-wayes, and Diſtributing Lands; Any Law, Uſe or Cuſtome to the contrary notwithſtanding.

Who may Vote in Towns

IT is Ordered; That in ſtead of the ſum of *twenty pounds* in the 4. Sect. *tit. Townſhips*, it ſhall be inſerted inſtead thereof *eighty pounds*; Provided this change of that ſum be not interpreted to exclude any perſon from the priviledge granted him formerly in that Law. [1670.]

A. 53. p. 18.

5 *Whereas Complaints have been made, that many* (eſpecially in Boſton) *who are meet and fit to ſerve the Country in the Office of Conſtable, take incouragement to withdraw from that ſervice by reaſon of the ſmalneſs of the fines that Towns have power to impoſe for ſuch refuſal*;

It is therefore Ordered, That henceforth it ſhall be lawful for the Town of Boſton, to impoſe the fine of *ten pounds*; and for all other Towns, to impoſe the fine of *five pounds* upon every ſuch perſon (being legally choſen in the reſpective Towns) that ſhall refuſe to ſerve in the Office of a Conſtable in the Town where he is choſen, if in his perſon he be able to execute it:

Power to fine ſuch as refuſe the Office of Conſtable

And the Select-men of every Town are hereby impowred to Order and Require the Conſtables to leavie the ſaid fines by Diſtreſs, which ſhall be to the uſe of the Town. [36, 42, 47, 53, 58]

It

IT is Ordered; That hereafter no Cottage or Dwelling place ſhall be admitted to the priviledge of Commonage for Wood, Timber and Herbage, or any other the Priviledges that lye in Common in any Town or Peculiar, but ſuch as already are in being, or hereafter ſhall be Erected by the conſent of the Town. [*1660.*] Townſhips priviledge

IT is Ordered by this Court and the Authority hereof, That the following Order ſhall be directed and ſent by the Clerks of the ſeveral Shire Courts, to the Conſtables of the Towns within their Shire, who are enjoyned faithfully to execute the ſame; and if upon the Return made, it doth appear that the Select men are negligent in executing the Laws therein mentioned; the Court ſhall proceed againſt them by Admonition, or fine, as the merit of the caſe may require, and ſhall alſo diſpoſe of ſingle perſons, or ſtubborn Children or Servants to the Houſe of Correction, according to the intent of the Law, any Law, Coſtome or Uſage to the contrary notwithſtanding.

To the Conſtable of A.

WHereas *the Law publiſhed by the Honoured General Court*, lib. 1. page 76 ſect 3 *do require all Towns from time to time, to diſpoſe of all ſingle perſons and inmates within their Towns to ſervice, or otherwiſe*, and in pag. 76. tit. Children and Youth;

It is required of the Select-men, that they ſee that all Children and Youth, under Family Government, be taught to read perfectly the Engliſh Tongue, have knowledge in the Capital Laws, and be taught ſome Orthodox Catechiſm, and that they be brought up to ſome honeſt imployment, profitable to themſelves and the Common wealth; and in caſe of neglect on the part of the Family Governours, after Admonition given them, the ſaid Select men are required, with the help of two Magiſtrates, or next Court of that Shire, to take ſuch Children or Apprentiſes from them, and place them forth, with ſuch as will look more ſtraitly to them.

The neglect whereof, as by ſad experience from Court to Court abundantly appears, doth occaſion much ſin and prophaneſs to increaſe among us, to the diſhonour of God, and the enſnaring of many Children and Servants, by the diſſolute lives and practiſes of ſuch as do live from under Family Government, and is a great diſcouragement to thoſe Family Governours, who conſcientionſly endeavour to bring up their Youth in all Chriſtian nurture, as the Laws of God and this Common-wealth doth require:

THeſe are therefore in His Majeſties Name, to require you to acquaint the Select men of your Town, that the Court doth expect and will require, that the ſaid Laws be accordingly attended, the prevalency of the former neglect notwithſtanding: And you are alſo required to take a Liſt of

the Names of thoſe young perſons within the Bounds of your Town, and all adjacent Farms though out of all Town Bounds, who do live from under Family Government, viz. do not ſerve their Parents or Maſters, as Children, Apprentices, Hired-Servants, or Journey-men ought to do, and uſually are in our Native Country, being ſubject to their Commands and Diſcipline, and the ſame you are to return to the next Court to be held at on the day of and hereof you are to make a true Return under your hand, and not to faile.

WHereas in the Law tit. Town-ſhips, *The ſeveral Towns, and Select-men of the ſaid Towns, have power to impoſe Penalties as the Law directs; And whereas many Conſtables queſtion whether it be their Duty to ſerve Warrants from the Select-men for Perſons to appear before them, and to leavie fines: For the removal of ſuch Doubts, as an Addition to the ſaid Law;*

This Court doth Order and Require; That all Conſtables reſpectively, ſhall ſerve all Warrants from the Select men, and leavie all ſuch fines as ſhall be impoſed by the ſaid Town or Select men. [*1671.*]

TREASURERS.

To keep perfect Accompts

IT is Ordered by this Court and the Authority thereof; That the Country Treaſurer ſhall from time to time keep exact and perfect Books of Accompts, of all Tranſactions for the Country, and particularly of all Debts and Dues belonging to the Country, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Cuſtoms, Impoſitions or otherwiſe, as by Whales, Ship wracks, and things of like nature, where the Owner is not known, and the Country may claim a Priviledge or Common Right unto, as alſo of all his payments and diſburſements for the Countries uſe, which he ſhall not make but by virtue of ſome ſettled Cuſtome, Law or Order of this Court, or by ſpecial Order of this Court, or of the Council, nor ſhall he make any Payment to any perſon indebted to the Country till ſuch perſon either pay his Debt, or defauſk ſo much as is due to the Country

how to diſburſe

A. 54. p. 2.

2. And it is further Ordered; That henceforth there ſhall be Treaſurers Annually choſen in every County by the Freemen thereof, who ſhall give in their Votes in each Town, on the day of Voting for Nomination of Magiſtrates, which ſhall be ſent ſealed up by the ſame perſon to the Shire-meeting, and there opened before the Commiſſioners, who ſhall certifie the County Courts under their hands, the Name of the perſon choſen, Provided no Clerk or Recorder of any County Court ſhall be choſen Treaſurer for the County.

County Treaſurer. how choſen

No Clerk of Court to be Treaſurer

And the ſaid Treaſurers, ſhall from time to time, keep exact and perfect Book of Accompts of all Tranſactions of the County, and particularly

cularly of all Debts and Dues belonging to the County, either by Forfeits, Fines, Rates, Guifts, Legacies, Rents, Cuſtomes or otherwiſe, as alſo all his Diſburſements for the Charges of the County Courts, Shire Commiſſioners, with all other peculiar charges of the County which he ſhall pay by Order of the County Court, except the *Twenty pounds* due to the Major of the Regiment for the year of publick exerciſe, which ſhall be paid by the Country Treaſurer as heretofore.

To pay the charge of the County

3. And it is Ordered; That all fines ariſing in any County Court, or by Order of one Magiſtrate or Commiſſioners impowred in Criminal Caſes, ſhall from time to time be paid in to the Treaſurer of that County where the Delinquent party doth dwell, except only where any perſon ſhall be taken in the manner, and immediately cenſured by Authority in any other County where ſuch offence is committed.

A. 58.

All Fines ariſing in the County due to the County.

4. It is Ordered; That the Secretary of the General Court and Court of Aſſiſtants, and the Clerk or Recorder of every County Court, ſhall keep Books of Accompt, of all Dues ariſing within the cognizance of the reſpective Courts, by Entry of Actions, Fines or otherwiſe; as alſo a true account of the Fees of the Officers and other charges of the Court, which belongs to the reſpective Treaſurers to ſatisfie; and within *fourteen dayes* after the end of every Court, the ſaid Secretary and Clerk, ſhall deliver to the reſpective Treaſurers, a true Tranſcript of all Fines and other dues, payable to the Country or County, and the ſaid Treaſurers ſhall within one week after the Receipt of ſuch Tranſcript, direct his Warrant to the Marſhal or Conſtable for the leavying thereof.

Clerk of Courts to keep Accompts

To certifie the Treaſurer of all Dues in 14 dales

Treaſurer to order Marſhal to call

And if any Treaſurer, Secretary, Marſhal or Conſtable, make default herein, he ſhall ſuffer the penalty of making good all Damage that ſhall come thereby.

And every Treaſurer, for his pains and ſervice, is allowed *one ſhilling* in the pound of all fines received by him, and to be free from all Country and County Rates.

Treaſ allowance

And all Treaſurers are hereby enjoyned once every year, to give an account of all their Tranſactions; the Country Treaſurer to the General Court, or to ſuch as the ſaid Court ſhall appoint, and preſent the ſame at the Court of Election yearly.

To give a yearly Account

And the County Treaſurers ſhall likewiſe yearly preſent their Accompts to the County Courts; and if there be not enough in the Treaſurers hands to ſatisfie the charges of the County, the ſaid County Court ſhall give Warrant to leavie the Arrears upon the whole County by Rate, to be leavied upon each Town and Perſon (except ſuch as are Rate-free) in proportion with the County Rate next before going, to be collected by the Conſtables of each Town, who are hereby enjoyned to attend the ſame. [*1646, 54, 57, 58.*]

County Courts to raiſe Taxes to defray County charges

WHereas *the Law* tit. Treaſurers, *doth not ſo fully explain it ſelf, as is intended, in order to the Execution of the ſame, in reference to County Treaſurers*;

This Court Declare; That the ſame Power and Directions given to the Country Treaſurer in his place, is likewiſe intended to the County Treaſurer in his Place and Limits:

County Treaſ. power & duty

For the better diſcharge of his Duty, and that every Conſtable betruſted with the Collecting of any County Rate, which doth not within his year pay

in his reſpective County Rate, and make up his Accompts with the Treaſurer from which he had his Warrant ſo to do;

Such Conſtable ſhall forfeit to the County *forty ſhillings* for his neglect, and be liable to clear his Accompts within two Months; and that every County Treaſurer ſhall preſent the Names of ſuch Conſtables as ſhall neglect their duty to the next County Court; And that Corn or other Goods paid in to the County Treaſurers, ſhall be at the ſame priſes that this Court ſhall from time to time ſet for the Country Rate; Any Cuſtome or Uſage to the contrary notwithſtanding. [*1662.*]

TRYALS.

No cauſe to be firſt brought to the Gen. Court.

IT is Ordered; That all cauſes between Party and party, ſhall firſt be tryed in ſome Inferiour Court; and that if the party againſt whom the Judgement ſhall paſs, ſhall have any new Evidence, or other new matter to plead, he may deſire a new Tryal in the ſame Court upon a Bill of Review. And if Juſtice ſhall not be done him upon that Tryal, he may then come to this Court for Relief. [*1642.*]

Liberty for Tryals by Bench or Jury

2. It is Ordered, and by this Court Declared; That in all Actions of Law it ſhall be the liberty of the Plaintiffe and Defendant by mutual conſent to chooſe whether they will be tryed by the Bench, or by the Bench and Jury, unleſs it be where the Law upon juſt reaſon hath otherwiſe determined; the like liberty ſhall be granted to all perſons in any Criminal caſe.

Liberty to challenge

3. Alſo it ſhall be in the liberty of both Plaintiffe and Defendant and likewiſe of every Delinquent to be judged by a Jury; to challenge any of the Jurors, and if the challenge be found juſt and reaſonable by the Bench or the reſt of the Jury, as the challenger ſhall chooſe, it ſhall be allowed him, and *tales de circumſtantibus* Impannelled in their room.

4. Alſo Children, Ideots, Diſtracted perſons, and all that are Stangers or new comers to our Plantation, ſhall have ſuch allowances, and diſpenſations in any caſe, whether Criminal or others, as Religion and Reaſon require. [*1641.*]

VAGABONDS.

THis Court being ſenſible of the increaſe of Prophaneſs and Irreligiouſneſs, by reaſon of the Vagrant and Vagubond life of ſundry perſons, as well Inhabitants as Forraigners, that wander from their Families, Relations and Dwelling

Dwelling places, from Town to Town, thereby drawing away Children, Servants, and other perſons, both younger and elder, from their lawful Callings and Imployments, and hardning the hearts of one another againſt all Subjection to the Rules of Gods Holy Word, and the Eſtabliſhed Laws of this Colony: All which to prevent;

This Court doth hereby Order and Enact; That all ſuch perſons, where ever they may be found in any place of this Juriſdiction, be Apprehended by the Conſtable of the ſaid place, with or without further Warrant, and and brought before the next Magiſtrate; who if upon Examination, ſhall finde them to be ſuch as do not give a good and ſatisfactory account of ſuch their Wandring up and down, they ſhall proceed with and againſt them as Rogues and Vagabonds, and cauſe them to be corporally puniſhed, and ſent from Conſtable to Conſtable, until they come to the place of their abode: Or in caſe they will not confeſs where their abode is within this Colony, nor yet voluntarily depart out of the ſame, then to be ſent to the Houſe of Correction, there to remain until the next Court of that County. [*1662*]

Vagabonds and wandring perſons

VOTES.

IT is Ordered, and by this Court Declared; That all and every Freeman, and others Authorized by Law, called to give any Advice, Vote, Verdict or Sentence in any Court, Council or Civil Aſſembly, ſhall have freedome to do it according to their true Judgement and Conſcience, ſo it be done orderly and in-offenſively for the manner, and that in all caſes wherein any Freeman or other is to give his Vote, be it in point of Election, making Conſtitutions and Orders, or paſſing Sentence in any caſe of Judicature, or the like; if he cannot ſee Light or Reaſon to give it poſitively one way or other, he ſhall have liberty to be ſilent, and not preſſed to a determinate Vote, which yet ſhall be Interpreted and Accounted as if he Voted for the Negative.

Liberty of Voting

or to be ſilent

Neuters accounted on the negative

And further that whenſoever any thing is to be put to a Vote, and Sentence to be Pronounced, or any other matter to be Propoſed, or Read in any Court or Aſſembly, if the Preſident or Moderator ſhall refuſe to perform it, the major part of the Members of that Court or Aſſembly, ſhall have power to appoint any other meet perſon to do it, and if there be juſt cauſe, to puniſh him that ſhould, and would not. [*1651.*]

USURY.

IT is Ordered, Decreed, and by this Court Declared; That no man ſhall be adjudged for the meer forbearance of any Debt, above *eight pound in the hundred*, for *one year*, and not above the Rate proportionably for all ſums whatſoever, (Bills of Exchange excepted) neither ſhall this be a colour or countenance to allow any Uſury amongſt us contrary to the Law of God. [*1641, 43.*]

WAMPAMPEAG.

Repealed. 1661.

IT is Ordered; That Wampampeag ſhall paſs currant in the payment of Debts, to the payment of *forty ſhillings*, the white at *eight a penny*, the black at *four*, ſo as they be entire without breaches or deforming ſpots, except in payment of Country Rates to the Treaſurer, which no Town or perſon may do, nor he accept thereof from time to time. [*1643, 48, 49, 50.*]

WATCHING.

A. 52. p. 12.

FOr the better keeping of Watches by the Conſtable in the time of peace, It is Ordered by this Court and the Authority thereof; That all Conſtables Watches in every Town of this Juriſdiction, ſhall begin the firſt of *May*, and continue till the end of *September*, upon the penalty of *five pounds*, to be leavied on every Conſtable neglecting the ſame.

Conſtable to ſet the Watch

And it ſhall be the care of the Conſtable, to ſee that the Watch be ſo warned, that it may not conſiſt of all, or the greater part Youths, but that able men be joyned with them, that the Watch may be a ſufficient Watch; unleſs the Select-men of that Town, who have hereby power, ſhall otherwiſe Order and Diſpoſe the ſaid Watches, both reſpecting time, place, number and quality of perſons, as to them ſhall ſeem moſt meet.

A. 57. p. 25.

Select-men to order Watches

And all Inhabitants of this Juriſdiction (except ſuch as are by Law exempted) ſhall according as they are warned to ſerve the Country in the Conſtables Watches, duely and ſtrictly obſerve the charge given them by the Conſtables; And the Conſtables in every Town from time to time, are hereby enjoyned to give in their charge to Watch men, that they duely examine all Night-walkers after ten of the clock at night (unleſs they be known peaceable Inhabitants) to inquire whether they are going, and what their buſineſs is; and in caſe they give not reaſonable ſatisfaction to the Watch-men or Conſtable, then the Conſtable ſhall forthwith ſecure them till the morning, and ſhall carry ſuch perſon or perſons before the next Magiſtrate or Commiſſioner, to give ſatisfaction for their being abroad at that time of night. And if the Watch men ſhall finde any Inhabitant or Stranger, after ten of the clock at night, behaving themſelves any wayes debauchedly, or ſhall be in drink, the Conſtable ſhall ſecure them, by commitment or otherwiſe, till the Law be ſatisfied.

Conſtables charg to the Watch

Night-walkers to be ſecured

Watch to cauſe lights to be put out

And further, the Conſtable is to give the Watch men in charge, to ſee all noiſes in the ſtreets ſtilled, and lights put out (except upon neceſſary occaſions) for the prevention of danger by fire as much as may be.

L. 1. p. 52.

Neglect of Watching forfeits 5. s.

And every Conſtable ſhall preſent to one of the next Magiſtrates or Commiſſioners, the Name of every perſon, who ſhall upon lawful warning refuſe or neglect to Watch or Ward, either in perſon, or by ſome other ſufficient for that ſervice, and if being convented, he cannot give a juſt excuſe, ſuch Magiſtrate or Commiſſioner ſhall grant Warrant to any Conſtable, to leavie *five ſhillings* of every Offender for ſuch default, the

ſame

ſame to be imployed for the uſe of the Watch of the ſame Town.

And it is the intent of this Law, that every perſon of able body (not excepted by Law) or of Eſtate ſufficient to hire another, ſhall be liable to Watch and Ward, or to ſupply by ſome other, when they ſhall be thereunto required; And if there be in the ſame Houſe divers ſuch perſons, whether Sons, Servants or Sojourners, they ſhall all be compellable to Watch as aforeſaid; Provided, that all ſuch as live or keep Families at their Farms, being remote from any Town, ſhall not be compellable to Watch and Ward in Towns. [*1636, 46, 52, 57.*]

Who compellable to Watch

THE Court underſtanding there is much inequality, in that divers are freed from thoſe Watches, whereof all do receive equal benefit, for an Explication of the Law concerning Conſtables watches;

Do Order, the Magiſtrates, Deputies of this Court for the time being, Elders of Churches, the publick ſworn Officers of the Country, with the Commiſſion Officers in each Trained Band, be freed from all ordinary Watches and Wards of the Conſtables, and no other perſons, except ſuch perſons as ſhall have ſpecial and perſonal Freedome by Order of this Court; any former Grant or Cuſtome notwithſtanding. [*1661.*]

Perſons exempt from Conſtables Watches

Weights and Meaſures.

TO the end Meaſures and Weights may be one and the ſame throughout this Juriſdiction;

It is Ordered by the Authority of this Court; That the Country Treaſurer ſhall provide upon the Countries charge, Weights and Meaſures of all ſorts, for continual Standards, to be Sealed with the Countries Seal, *viz. one Buſhel, one half Buſhel, one Peck, one half Peck, one Ale quart, one Wine pint, and half pint, one Eln, one Yard*, as alſo a ſet of Braſs Weights to four pound, which ſhall be after *ſixteen Ounces to the Pound* with fit *Scales*, and *ſteal Beams* to weigh and try withal.

Standards to be provided by the Treaſurer

And the Conſtable of every Town within this Juriſdiction, ſhall within three Moneths after publication hereof, provide upon the Town charge, all ſuch Weights, at leaſt of Lead, and alſo ſufficient Meaſures as are above expreſt, tryed and Sized by the Country Standards, and Sealed by the ſaid Treaſurer, or his Deputy in his preſence, (which ſhall be kept and uſed only for Standards for their ſeveral Towns) who is hereby Authorized to do the ſame, for which he ſhall receive from the Conſtable of each Town *two pence* for every *Weight* and *Meaſure* ſo proved, ſized and ſealed. And the ſaid Conſtable of every Town, ſhall commit thoſe *Weights and Meaſures* unto the cuſtody of the Select-men of their Towns for the time being, who with the ſaid Conſtable are hereby enjoyned to chuſe one able man to be Sealer of ſuch *Weights* and *Meaſures* for their own Town from time to time, and till another be choſen, which man ſo choſen, they ſhall preſent to the next County Court, there to be ſworn to the faithful diſcharge of his duty, who ſhall have power to ſend forth his Warrants by the Conſtable, to all the Inhabitants of their Town to

Conſtables to provide Standards for Towns

Sealer to be choſen by the Select men

To be ſworn at the County Court

Sealers duty

bring in all ſuch *Meaſures* and *Weights* as they make any uſe of, in the ſecond Moneth from year to year, at ſuch time and place as he ſhall appoint, and make a return to the Sealer in Writing of all perſons ſo ſummoned; that then and there all ſuch Weights and Meaſures may be proved and ſealed with the Town Seal, (ſuch as in the Order for Town Cattle) provided by the Conſtable at each Towns charge; who ſhall have for every Weight and Meaſure ſo Sealed *one penny* from the Owners thereof at the firſt Sealing. And all ſuch Meaſures and VVeights as cannot be brought to their juſt Standard, he ſhall deface or deſtroy, and after the firſt ſealing ſhall have nothing ſo long as they continue juſt with the Standard.

His Fees.

And that none may neglect their Duty herein;

It is further Ordered by the Authority aforeſaid; That if any Conſtable, Select-men, or Sealer, do not execute this Order as to every of them appertains, they ſhall forfeit to the Common Treaſury *forty ſhillings* for every ſuch neglect, the ſpace of one Moneth, and alſo that every perſon neglecting to bring in their VVeights and Meaſures at the time and place appointed, they ſhall pay *three ſhillings four pence* for every ſuch default, one half part whereof ſhall be to the Sealer, and the other half to the Common Treaſury, which the Sealer ſhall have power to leavie by diſtreſs from time to time. [*1647.*]

Aſſ.

2. *This Court conſidering the Complaints of ſeveral Abuſes, in Meaſuring Corn, Boards, and Cording of VVood*;

Select-men to appoint meaſures of Corn &c.

Doth Order, That it ſhall be in the power of the Select men of every Town, to appoint one or two, or more as need ſhall require, who ſhall be ſworn faithfully and uprightly, to Meaſure all ſuch Corn, VVood or Boards, as they ſhall be called unto; and that no man ſhall be forced to receive any Corn, VVood or Boards, (except they agree thereunto) but ſuch as is Meaſured by ſuch perſon or perſons ſo appointed and Sworn; the parties receiving the Corn, VVood or Boards, paying for the Meaſuring thereof. *1655.*

VVHARFAGE.

Rates for Wharfage

IT is Ordered by this Court and the Authority thereof; That theſe Orders ſhall be obſerved by all ſuch as ſhall bring Goods to any VVharf, and theſe Rates following be allowed:

Firſt, For VVood by the Tun *three pence*; for Timber by the Tun *four pence*; for Pipe ſtaves by the thouſand *ninepence*; for Boards by the thouſand *ſix pence*. for Merchants Goods, whether in Cask or otherwiſe by the Tun, *ſix pence*; for Dry Fiſh by the Quintal *one penny*; for Corn by the Quarter *one penny and a half penny*; for great Cattle by the Head *two pence*; for Goats, Swine, or other ſmall Cattle, except ſuch as are ſucking their Dams, by the Head *a half penny*; for Hay, Straw, and all ſuch Combuſtable Goods, by the Load *ſix pence*; for Stones, by the Tun *a penny*; for Cotton VVool, by the Bag *two pence*; for Sugar, by the Cheſt *three pence*: Provided that VVharfage be taken only where the VVharfs are made and maintained; and that VVood, Stone and weighty Goods, ſhall be ſet up an end, or laid ſeaven foot from the ſide of the VVharf, upon penalty of double VVharfage, and ſo for other Goods, and that no Goods

Goods lye on the Wharf above forty eight hours without further agreement with the VVharfinger: And that it ſhall be lawful for the VVharfinger to take according to theſe Rates out of the Goods that are Landed, except they be ſatisfied otherwiſe.

2. And it is further Ordered; That none ſhall caſt an Anker, Graplin, or Killack, within or neer the Cove at Boſton, where it may indanger any other Veſſels, upon penalty of *ten ſhillings*, half to the Country, half to the VVharfinger, beſides paymg all Damages. Caſting Anker in the cove penalty.

3 And that it ſhall not be lawful for any perſon to caſt any Dung, Draught, Dirt, or any thing to fill up the Cove, or to annoy the Neighbours, upon penalty of *forty ſhillings*, the one half to the Country, the other half to the Wharfinger. [*1647.*] Caſting in dung penalty 40 s.

WILLS.

VVHereas it is found by experience, that ſome men dying, having made their VVills for the diſpoſing of their Eſtates, that the ſaid VVills are concealed, and not Proved and Recorded; and ſome others dying Inteſtate, no Adminiſtration is ſought for, nor granted in any legal way, and yet the VVives, Children, Kinared, or ſome friends of the Deceaſed, or ſome others do enter upon the Lands, and poſſeſs themſelves of the Goods of the ſaid Deceaſed, and the ſame are many times ſold or waſted before the Creditors to whom the Deceaſed was indebted know of whom to Demand, or how to recover their juſt Debts; For prevention of ſuch unjuſt and fraudulent dealings; L. 2. p. 16.

It is Ordered by this Court and the Authority thereof; That if any Executor Nominated in any Will, and knowing thereof, ſhall not at the next Court of the County, which ſhall be above thirty dayes, after the deceaſe of the party, make Probate of any VVill of any deceaſed party, or ſhall not cauſe the ſame to be Recorded, by the Recorder or Clerk of that County Court where the deceaſed party laſt dwelt; or if any perſon whatſoever, ſhall not within the ſame time take Adminiſtration of all ſuch Goods, as he hath or ſhall enter upon of any Party deceaſed, or if any perſon or perſons ſhall *Alienate* or *Imbezel* any *Lands* or *Goods*, before they have Proved and Recorded the *Will* of the Deceaſed, or taken Adminiſtration, and brought in a true Inventory of all the known Lands, Goods and Debts of the deceaſed; every ſuch perſon ſo Adminiſtring or Executing, ſhall be Liable to be Sued, and ſhall be bound to pay all ſuch Debts reſpectively, as the deceaſed party owed, whether the eſtate of the deceaſed were ſufficient for the ſame or not, and ſhall alſo forfeit to the Country ſo many ſumms of *five pounds* as ſhall be Months betwixt the next Court of that County, after the death of the party as aforeſaid, and the proving of ſuch VVill, and Recording it, or the taking of ſuch Adminiſtration. Wills to be proved next Court. Entring the eſtate without Adminiſtration obtained. Liable to pay all Debts. Five pound per month for not proving Wills.

And if any perſon ſhall Renounce his Executorſhip, or that none of the friends or kindred of the deceaſed party that ſhall dy inteſtate, ſhall ſeek for Adminiſtration of ſuch perſons eſtate, then the Clerks of the writh of If Executor renounce the Clerk to give notice to Com-

ſuch Town where any ſuch perſon ſhall dy, ſhall within one Month after his deceaſe, give notice to the Court of that County to which ſuch Town doth belong, of ſuch Renouncing of Executorſhip, or not ſeeking of Adminiſtration, that ſo the Court may take ſuch Order therein as they ſhall think meet, who ſhall alſo allow ſuch Clerke due recompence for his paines, and if any ſuch Clerke ſhall faile herein, he ſhall forfeit *forty ſhillings* to the Treaſury for every months default. [*1649.*]

Or forfeit 40 s

A. 32. P. 15

2. *And becauſe many Merchants, Seamen and other Strangers, reſorting hither oftentimes, Dying and leaving their Eſtates undiſpoſed of, and very difficult to be preſerved in the interim from one County Court to another:*

It is therefore Ordered, that it ſhall and may be Lawfull for any two Magiſtrates with the Recorder or Clerk of the County Court, Meeting together, to allow of any Will of any deceaſed party, to the Executors or other perſons in the VVill mentioned, ſo as the VVill be teſtified on the Oath of two or more *VVitneſſes*, and alſo to Graunt Adminiſtration to the Eſtate of any perſon dying inteſtate within the ſaid County, to the next of Kin, or to ſuch as ſhall be able to ſecure the ſame for the next of Kin, and the Recorder or Clerk of the Court, ſhall enforme the reſt of the Magiſtrates of the County, at the next County Court, of ſuch VVill proved or Adminiſtration Graunted, and ſhall Record the ſame. [*1652.*]

Two Magiſtrates to take probate of Wills.

To graunt Adminiſtration

L. 1. P. 53.
L. 2. P. 6.

3. And it is Ordered, that when the Husband or Parents dy inteſtate, the County Court of that Juriſdiction where the party had his laſt Reſidence, ſhall have Power to aſſign to the widdow, ſuch a part of his eſtate as they ſhall judge juſt and equal; as alſo to divide and aſſigne to the Children or other Heires their ſeveral parts and portions out of the ſaid eſtate.

County Court to divide the eſtate undiſpoſed.

Provided, the Eldeſt Son ſhall have a double Portion, and where there are no Sons, the Daughters ſhall inherit as Copartners, unleſs the Court upon juſt Cauſe alledged ſhall otherwiſe determine. [*1641, 49.*]

Eldeſt Son a double portion

VVITNESSES.

IT is Ordered, Decreed and by this Court Declared, that no man ſhall be put to Death, without the Teſtimony of two or three *Witneſſes*, or that which is equivalent thereunto. [*1641.*]

2. And it is Ordered by this Court and the Authority thereof, That any one Magiſtrate or Commiſſioner Authorized thereunto by the General Court, may take the Teſtimony of any perſon of fourteen yeares of age, or above; of ſound underſtanding and reputation, in any Caſe, Civill or Criminal, and ſhall keep the ſame in his own hands till the Court, or deliver it to the Recorder, publick Notary or Clerk of the writts, to be Recorded, that ſo nothing may be altered in it. Provided that where any ſuch witneſs ſhall have his abode within ten miles of the Court, and there living and not diſenabled by ſickneſs or other infirmity, the ſaid Teſtimony ſo taken out of Court, ſhall not be received or made uſe of in the Court, except the witneſſes be alſo preſent to be further Examined about it.

Teſtimonies taken before one Magiſtrate.

Witneſſes to appear perſonally living within ten miles

Provid

Provided alſo that in all Capital Caſes, all Witneſſes ſhall be preſent, whereſoever they dwell. And in Capital Caſes,

3. And it is further Ordered by the Authority aforeſaid, That any perſon Summoned to appear as a Witneſs in any Civil Court between party and party, ſhall not be compellable to travail to any Court or place where he is to give his Teſtimony, except he who ſhall ſo Summon him ſhall lay down or give him ſatisfaction for his Travail & Expences outward and homeward, and for ſuch time as he ſhall ſpend in attendance in ſuch caſe when he is at ſuch Court or place, the Court ſhall Award due Recompence. And it is Ordered that *two ſhillings* a day ſhall be accounted due ſatisfaction to any witneſs for Travail and Expences, and that when the witneſs dwelleth within *three miles* and is not at charge to paſs over any other Ferry then betwixt *Boſton* or *Charlstown*, then *one ſhilling ſixpence per diem* ſhall be accounted ſufficient, and if any witneſs after ſuch payment or ſatisfaction, ſhall faile to appear to give his Teſtimony, he ſhall be liable to pay the parties damages upon an action of the Caſe. And all Witneſſes in Criminal Caſes ſhall have ſuitable ſatisfaction payd by the Treaſurer, upon Warrant from the Court or Judge before whom the Caſe is tryed.

Witneſs to have allowance for charges laid down.

Two ſhillings a day

One ſhilling ſix pence a day.

Witnes not appearing to pay damage.

And for a General Rule to be obſerved in all Criminal Caſes, both where the Fines are put in certain, and alſo where they are otherwiſe;

It is further Ordered by the Authority aforeſaid, that the charges of witneſſes in all ſuch Caſes ſhall be born by the parties delinquent, and ſhall be added to the Fines impoſed, that ſo the Treaſurer haveing upon Warrant from the Court, or other Judge ſatisfied ſuch Witneſſes, it may be repayed him with the fine, that ſo the witneſſes may be timely ſatisfied and the Country not damnified [*1647.*]

In Criminal Caſes witnes to be paid by the Treaſurer, and levyed on the Delinquent.

WOLVES.

WHereas great Loſs and Damage doth befall this Common-wealth by reaſon of Wolves, *which deſtroy great numbers of our Cattle, notwithſtanding proviſion formerly made by this Court for ſuppreſſing of them: therefore for the better incouragement of any to ſet about a work of ſo great concernment,* *A. 48.*

It is Ordered by this Court and the Authority thereof, that any perſon either Engliſh or Indian that ſhall kill any *Wolfe* or *Wolves*, within ten miles of any Plantation in this Juriſdiction, ſhall have for every *Wolfe* by him or them ſo killed *ten ſhillings*, paid out of the Treaſury of the Country; Provided that due proof be made thereof unto the Plantation next adjoyning where ſuch *Wolfe* or *wolves* were killed: And alſo they bring a Certificate under ſome Magiſtrates hand, or the Conſtable of that place unto the Treaſurer; Provided alſo that this Order doth intend onely ſuch Plantations as do Contribute with us to publick charges, and for ſuch Plantations upon the River of *Piſcataway* that do not joyn with us to carry on publick charges, they ſhall make payment upon their own charge. [*1645.*]

Law about Wolves.

BEſides all other Conſiderations and Proviſions for the deſtruction of Wolves; It is Ordered by this Court and the Authority thereof; That every ſuch Indian or Indians, as ſhall any way deſtroy any *Wolfe* or *Wolves*, and deliver the Heads of ſuch Wolves unto the Select men of any Townſhip in this Juriſdiction; ſhall receive of ſuch Select men, either two pounds of Powder, and eight pounds of Shot, or one pound of powder, and four pounds of ſhot, and five ſhillings in Corne or other pay, or elſe they ſhall receive of the Country Treaſurer, Ten ſhillings a head, and no powder and ſhot, which ſuch Indian ſhall chuſe; and ſuch Select men as ſhall pay any Indian according to their order, ſhall rebate it out of their next Country Rate with the Treaſurer; any Law or Cuſtome to the contrary notwithſtanding, and all Select men or others that by virtue of this Order or any other, ſhall make payment for any Wolves, ſhall cut off the Eares of all ſuch Wolves heads, and cauſe them to be buried, that ſo none may be twice paid for. [*1661.*]

THis Court doth Order, as an Encouragement to perſons to deſtroy Wolves; That henceforth every perſon killing any Wolfe, ſhall be allowed out of the Treaſury of that County where ſuch Wolfe was Slain, *Twenty ſhillings*, and by the Town *Ten ſhillings*, and by the Country Treaſurer *Ten ſhillings*; which the Conſtable of each Town (on the ſight of the eares of ſuch Wolves being cut off) ſhall pay out of the next Country Rate, which the Treaſurer ſhall allow. [*1662.*]

WOOD.

FOr the avoyding of Injuries by Carts and Boats, to Sellev and Buyers of Wood;

It is Ordered by this Court and the Authority thereof; That where Wood is brought to any Town or Houſe by Boat, it ſhall be thus Accounted and Aſſized; A Boat of *four Tuns* ſhall be accounted three Loads, *twelve Tuns*, nine Loads, *twenty Tun*, fifteen Loads, *ſix Tun*, four Load and halfe, *fourteen Tun*, ten Load and halfe, *twenty four Tun*, eighteen Load, *eight Tun*, ſix Load, *ſixteen Tun*, twelve Load, *twenty eight Tun*, twenty one Load, *ten Tun*, ſeven Load and halfe, *eighteen Tun*, thirteen Load and halfe, *thirty Tun*, twenty two Load and halfe.

Except ſuch Wood as ſhall be ſold by the Cord, which is and is hereby Declared, to be Eight foot in length, four foot in height, and four foot broad. [*1646, 1647.*]

Workmen

WORKMEN.

BEcauſe the harveſt of Hay, Corn, Hemp and Flax, comes uſually ſo neer together, that much loſs can hardly be avoyded;

It is therefore Ordered by the Authority of this Court, That the Conſtables of every Town upon Requſt made to them, ſhall Require any Artificers or handy-craſts men meet to Labour, to work by the day for their Neighbours in *mowing, reaping of Corn*, and *inning thereof*,; Provided that thoſe men whom they work for, ſhall duely pay them for their work;

And that if any perſon ſo Required ſhall refuſe, or the Conſtable neglect his Office herein, they ſhall Each of them pay to the uſe of the Poor of the Town, double ſo much as ſuch Dayes work comes unto;

Provided no Artificer or Handy craſts-man ſhall be compelled to Work as aforeſaid, for others whiles he is neceſſarily attending on the like Buſines of his owne. [*1646.*]

WRECKS OF THE SEA.

IT is Ordered, Decreed, and by this Court Declared; That if any Ships or other Veſſells, be it Friend or Enemy, ſhall ſuffer Ship-wreck upon our Coaſts; there ſhall be no violence or wrong offered to their Perſons or Goods, but their Perſons ſhall be Harboured and Releived, and their Goods preſerved in ſafety, till Authority may be Certified and ſhall take further Order therein.

Alſo any Whale, or ſuch like great Fiſh caſt upon any ſhore, ſhal be be ſafely kept, or improved where it cannot be kept, by the Towne or other Proprietor of the Land, till the General Court ſhall take Order for the ſame. [*1641, 1647.*]

WRITS.

IT is Ordered by this Court and the Authority thereof, That henceforth all Writts, Proceſs and Indictments, ſhall by all Magiſtrates, the Secretary, Clerks of the ſeveral Courts and Writts, be made and ſent forth in his Majeſties Name: *i. e.* You are hereby Required in his Majeſties Name &c: [*1662.*]

FINIS

PRESIDENTS & FORMES of things frequently Uſed.

Summons

TO [*I. B*] Carpenter, of [*D.*] You are Required in His Majeſties Name to appear at the next Court, holden at [*B.*] on the day of the month next enſuing; to anſwer the complaint of [*N.C.*] for with-holding a debt of due upon a *Bond* or *Bill*: or for two Heifers &c. ſold you by him; or for work, or for a Treſpaſs done him in his Corn or Hay by your Cattle, or for a Slander you have done him in his name, or for Striking him, or the like; And hereof you are not to fayle at your Peril. Dated the day of the Month. [*1641.*]

Attachments.

TO the Marſhall or Conſtable of [*B.*] or their Deputy. You are Required in His Majeſties Name to Attach the Goods, or for want thereof the Body of [W.F.] and to take Bond of him to the value of with ſufficient Surety or Suretyes for his Appearance at the next Court holden at [*S.*] on the day of the Month; then and there to anſwer the Complaint of [*T. M.*] for &c. *as before.* And ſo make a true Return thereof under your hand. Dated the day &c.

By the Court *R. F.*

Bond for Appearance.

KNow all men by theſe preſents, that we [*A.B*] of [*D.*] Yeoman, and [*C.C.*] of the ſame, Carpenter, do bind our ſelves, our Heires and Executors to [*R. F.*] Marſhall, or [*M. O.*] Conſtable of [*D.*] aforeſaid, in Pounds upon condition that the ſaid [*A. B.*] ſhall perſonally appear at the next Court at [*S.*] to anſwer [*L. M.*] in an Action of And to abide the Order of the Court therein, and not to depart without Licence.

Replevin.

TO the Marſhall or Conſtable of You are Required in His Majeſties Name, to Replevie three heifers of [*T. P.*] now diſtreined or impounded by [*A. B.*] and to deliver them to the ſaid [*T. P.*]

Provided he give Bond to the Value of with ſufficient Safety or Suretyes to proſecute his Replivin at the next Court holden at [*B.*] and ſo from Court to Court till the Cauſe be ended; and to pay ſuch Coſts and Damages as the ſaid [*A. B.*] ſhall by Law Recover againſt him; And ſo make a true return thereof under your hand Dated &c.

By the Court R. F

Commiſſioners for the United Colonies,

WHeras upon ſerious Conſideration, *We have concluded a Confederacie with the Engliſh Colonies of New-Plimouth and Conecut, as the Bond of Nature, Reaſon, Religion and Reſpect to our Nation doth Require*;

We have this Court, Choſen our Truſtie and well beloved Friends, [*S. B.*] and [*T. D.*] for this Colonie; for a full and compleat Year, as any Occaſions and Exigents may Require, and particlarly for the next meeting at [*P*] And do Inveſt them with full Power and Authority, to Treat and Conclude of all things, according to the true Tenour and Meaning of the Articles of Confederation of the United Colonies, Concluded by the General Court held at *Boſton* the *fifteenth of May.* [*16.72*]

Their Power

Oath of Fidelitie.

WHoreas I [*A. B.*] am an Inhabitant within this Jurisdiction, Conſidering how I ſtand Obliged to the Kings Majeſty, his Heires and Succeſſors, by our Charter and the Government Eſtabliſhed thereby; Do Swear accordingly by the great and dreadfull Name of the Ever-Living God, that I will bear Faith and true Allegiance to our Soveraingn Lord the King, his Heires and Succeſſors; and that I will be True and Faithfull to this Government, and accordingly yeild Aſſiſtance thereunto, with my perſon and eſtate, as in equity I am bound;

And will alſo truely endeavour to Maintain and Preſerve all the Liberties and Priviledges thereof, Submiting my ſelf unto the wholeſom Laws made and eſtabliſhed by the ſame.

And farther that I will not Plot or practice any evill againſt it, or conſent to any that ſhall ſo do; but will timely diſcover and reveal the ſame to Lawfull Authority now here eſtabliſhed, for the ſpeedy preventing thereof. So help me God in our Lord Jeſus Chriſt.

Freemans Oath.

WHereas I [*A. B.*] being an Inhabitant of the Jurisdiction of the *Maſſachuſets*, and now to be made free. Do hereby acknowledge my ſelfe to be ſubject to the Government thereof (Conſidering how I ſtand obliged to the Kings Majeſty, his Heires and Succeſſors, by our Charter and the Government eſtabliſhed thereby Do Swear accordingly, by the Great and Dreadfull Name of the Ever-Living GOD, that I will bear Faith and true Alegiance to our Soveraigne Lord the King, his heires and Succeſſors,) and that I will be True and Faithfull to the ſame, and will accordingly yeild Aſſiſtance and Support thereunto with my perſon and eſtate, as in equity I am bound; And will alſo truely endeavour to maintain and preſerve all the Liberties and priviledges thereof, ſubmitting my ſelfe to the woleſome Laws made and eſtabliſhed by the ſame.

And farther that I will not Plot nor Practice any Evill againſt it, or conſent to any that ſhall ſo do, but will timely diſcover and reveal the ſame to

Law

Lawfull Authority now here eſtabliſhed, for the ſpeedy prevention thereof.

Moreover I do Solemnly bind my ſelfe in the ſight of God, that when I ſhall be called to give my Voyce touching any ſuch matter of this State wherin Freemen are to deal, I will give my Vote and Suffrage as I ſhall in mine own Conſcience judge beſt to Conduce and tend to the Publick Weale of the body, without reſpect of perſons or favour of any man. So help me God in our Lord Jeſus Chriſt.

Governours Oath.

WHereas you [*R. B.*] *Eſq.* are Choſen to the place of *Governour*, over this Jurisdiction of the *Maſſachuſets*, for this year, and till a new be Coſen and Sworn, Conſidering how you ſtand Obliged to the Kings Majeſty, his Heires and Succeſſours, by our Charter and the Government eſtabliſhed thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, that you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heirs and Succeſſors; that you will in all things concerning your place according to your beſt power and skill, Carry and Demean your ſelf for the ſaid time of your Government, according to the Lawes of God, and for the Advancement of his Goſpel, the Laws of this Land and the good of the people of this Jurisdiction.

You ſhall do Juſtice to all men without partiallity, as much as in you lyeth, you ſhall not exceed the Limitations of a Governour in your place. So help you God, in our Lord Jeſus Chriſt.

Deputy Governours Oath.

WHereas you [*I. L.*] are Choſen to the place of the *Deputy Governour* &c: as in the Governours Oath, *mutatis mutandis*.

Aſſiſtants Oath

WHereas you [*S. B.*] are Choſen to the place of Aſſiſtant over this Jurisdiction of the *Maſſachuſets*, for this year and untill new be choſen and Sworn; Conſidering how you ſtand Obliged to the Kings Majeſty, his Heirs and Succeſſors, by our Charter and the Government eſtabliſhed thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, That you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heirs and Succeſſours; That you will truely endeavour according to your beſt skill to carry and demean your ſelfe in your place for the ſaid time, according to the Laws of God and of this Land, for the Advancement of the Goſpel, and the good of the People of this Jurisdiction; You ſhall Diſpenſe Juſtice equally and impartially, according to your beſt skill in all Caſes wherein you ſhall Act, by Virue of your place; You ſhall not wittingly and willingly exceed the Limitations of your place, And all this to be underſtood during your aboad in this Jurisdiction. So help you God in our Lord Jeſus Chriſt.

Major Generals Oath

WHereas you [*I. L.*] have been Choſen to the Office of a *Sergeant Major General*, of all the *Military Forces* of this Juriſdiction for this preſent year; Conſidering how you ſtand Obliged to the

Kings Majeſty, his Heir s and Succeſſors by our Charter and the Govern-ment eſtabliſhed thereby; Do Swear accordingly by the Great and dread-full Name of the Ever Living God, That you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heires and Succeſſours; And that by your beſt skill and ability you will Faithfully diſcharge the Truſt committed to you, according to the Tenour and Purport of the Commiſſion given you by this Court. So help you God.&c.

Treaſurers Oath

WHereas you [*R. R.*] are Choſen *Treaſurer* for the Jurisdiction of the *Maſſachuſets* for this year and until a new be Choſen, Do promiſe to give out Warrants with all convenient diligence for collecting all ſuch ſums of Money as by any Court, or otherwiſe have been, or ſhall be appointed, and to pay out the ſame by ſuch ſums, and in ſuch manner as you ſhall be lawfully appointed by this Court, if you ſhall have it in your hands of the common Treaſury. And to return the names of ſuch Con-ſtables as ſhall be failing in their office in not collecting and bringing in to you ſuch ſums as you ſhall give Warrant for: And render a true Accompt of all things concerning your ſaid Office, when by the General Court you ſhall be called thereto. So help you God in our Lord Jeſus Chriſt.

Secretarics Oath

WHereas you [*S. R.*] are choſen Secretary for the year enſuing; You do here Swear by the Everliving God, that you will in all things faithfully demean your ſelf in the ſaid Office; That you will truely and uprightly, according to your beſt skill and Wiſdome frame all Acts and Inſtruments of publick concernment referring to your Office, duely obſerving ſuch Directions as ſhall from time to time be given unto you by the General Court or Council of this Common-weal, and fairly Record, and ſafely keep the ſame: That you will not diſcloſe the con-ſultations of the General Court where at any time you ſhall have expreſs charge of ſecreſie, nor of the Council where at any time you ſhall have like charge of ſecreſie: That you will without delay impart to the Go-vernour or Deputy Governour, what ever Letter or Information ſhall come to your hand, referring to your Office, and of publick Concernment to the Common-weal, General Court or Council; and that you will not wittingly or willingly exceed the limits of your place. So help, &c.

Publick Notaries Oath.

YOU [*W. A.*] here Swear by the Name of the Everliving God; That in the Office of a Publick Notary to which you have been cho-ſen; You ſhall Demean your ſelf diligently and faithfully according to the duty of your Office; and in all Writings, Inſtruments and Articles that you are to give Teſtimony unto when you ſhall be required, you ſhall perform the ſame truely and ſincerely according to the nature there-of, without delay or Covin. And you ſhall enter and keep a true Re-giſter of all ſuch things as belong to your Office. So help you, &c.

You

YOU [*E. M.*] ſhall diligently, faithfully, and with what ſpeed you may, collect and gather up all ſuch fines and ſums of money, in ſuch Goods as you can finde of every perſon, for which you ſhall have Warrant ſo to do by the Treaſurer for the time being; And with like faithfulneſs, ſpeed and diligence, leavie the Goods of every perſon, for which you ſhall have Warrant ſo to do, by virtue of any Execution granted by the Secretary or other Clerk Authorized thereunto for the time being: And the ſame Goods ſo Collected or Leavied, you ſhall with all convenient ſpeed deliver in to the Treaſurer, or the perſons to whom the ſame ſhall belong; And you ſhall with like care and faithfulneſs ſerve all Attachments directed to you which ſhall come to your hands, and return the ſame to the Court where they are returnable, at the times of the return thereof. And you ſhall perform, do, and execute all ſuch lawful Commands, Directions and Warrants, as by lawful Authority here eſtabliſhed, ſhall be committed to your care and charge according to your Office. All theſe things in the preſence of the living God, you binde your ſelf unto by this your Oath, to perform during all the time you continue in your Office, without favour, fear, or partiality of any perſon. And if you meet with any caſe of difficulty, which you cannot reſolve by your ſelf, you may ſuſpend till you may have Advice from Authority: So help. &c. *Marſhals Oath*

FOr*aſmuch as every Magiſtrate, Aſſociate, Commiſſioners for ſmall Cauſes, &c. are under an Oath of God, and that no proviſion hath been made for ſuch as are inveſted with Magiſtratical power by this Court*;

It is Ordered; That every man to whom ſuch power is derived, ſhall henceforth take the Oath here under written before ſome County Court or Magiſtrate, before he Exert his Authority therein:

WHereas you [*A. B.*] Appointed and Commiſſionated to Act and Do in ſundry reſpects as any one Magiſtrate may do, as expreſſed in your Commiſſion; You do here Swear by the Great and Dreadful Name of the Everliving God, that you will faithfully Demean your ſelf therein, without favour or affection to any, to the beſt of your knowledge, according to the Laws here eſtabliſhed: So help you God, &c. *Commiſſioners Oath*

YOU [*M. N.*] being choſen Aſſociate for the Court for this year, and till new be choſen, or other Order taken; Do here Swear, that you will do equal Right and Juſtice in all Caſes that ſhall come before you, after your beſt skill and knowledge according to the Laws here eſtabliſhed, So help you God, &c. *Aſſociates Oath*

WHereſoever *any Three Men are deputed to end Small Cauſes, the Conſtable of the place within one Moneth after ſhall return their Names to the next Magiſtrate, who ſhall give Summons for them forthwith to appear before them; who ſhall adminiſter to them this Oath*;

Three mens Oath

YOU [*A. B.*] being choſen and appointed to end ſmall Cauſes not exceeding *forty ſhillings* value, according to the Laws of this Juriſdiction for this year enſueing; Do here Swear by the living God, that without favour or affection, according to your beſt light; you will true Judgement give, and make, in all the Cauſes that come before you: So help you God, &c.

Grand-Juries Oath

YOU Swear by the Living God, that you will diligently inquire and faithfully Preſent to this Court whatſoever you know to be a breach of any Law eſtabliſhed in this Juriſdiction according to the minde of God; And whatſoever Criminal Offences you apprehend fit to be here preſented, unleſs ſome neceſſary and Religious tye of Conſcience truely grounded upon the Word of God binde you to ſecreſie. And whatſoever ſhall be legally committed by this Court to your Judgement, you will return a true and juſt Verdict therein according to the Evidence given you, and the Laws Eſtabliſhed amongſt us: So help you God, &c.

Petty-Juries Oath

YOU Swear by the Living God, that in the Cauſe or Cauſes now legally to be committed to you by this Court; You will true Tryal make, and juſt Verdict give therein, according to the Evidence given you, and the Laws of this Juriſdiction: So help you God, &c.

Oath of Life and Death

YOU Do Swear by the Great Name of Almighty God; that you will well and truely try, and true deliverance make of ſuch Priſoners at the Bar, as you ſhall have in charge, according to your Evidence: So help you God, &c.

Witneſſes Oath

YOU Swear by the Living God, that the Evidence you ſhall give to this Court concerning the Cauſe now in queſtion, ſhall be the Truth, the whole Truth, and nothing but the Truth: So help you God, &c.

Untimely Death

YOU Swear by the Living God, that you will truely preſent the Cauſe and manner of the Death of [*J. B.*] according to Evidence, or the light of your Knowledge and Conſcience: So help you God, &c.

The Form of the Oath to be Adminiſtred to the Sergeant-Majors of the ſeveral Regiments, and ſo Mutatis Mutandis *to the other Military Officers.*

Sergeant Major & other chief Officers Oath.

WHereas you [*R. S.*] have been choſen to the Office of Sergeant Major of the Regiment, in the County of [*M.*] for this preſent year, and until another be choſen in your place; You do here Swear by the Living God, that by your beſt ſkil and ability, you will faithfully diſcharge

diſcharge the truſt committed to you, according to ſuch Commands and Directions as you ſhall from time to time, upon all occaſions receive from the Sergeant Major General, by virtue of his Commiſſion from the Court, and according to the Laws and Orders by this Court Made and Eſtabliſhed in this behalf: So help you *God*, &c.

YOU [*R. B.*] Swear truely to perform the Office of a Clerk of a Trained Band, to the utmoſt of your Ability or Endeavours, according to the particulars ſpecified, (and peculiar to your Office) in the Military Laws: So help you *God*, &c. *Clerk of the Bands Oath*

YOU ſhall faithfully Endeavour with all good Conſcience, to Diſcharge this truſt committed to you, as you ſhall apprehend to Conduce moſt to the ſafety of this Common Wealth: You ſhall not by any ſiniſtre devices, or for any partial reſpects, or private ends, do any thing to the hindrance of the effects of any good and ſeaſonable Councils; You ſhall appoint or remove no Officer by any partiality, or for perſonal reſpects or other prejudice, but according to the merit of the perſon in your apprehenſions: You ſhall faithfully endeavour to ſee that Martial Diſcipline may be ſtrictly upholden, not eaſing or burthening any, otherwiſe then you ſhall judge to be juſt and equal: You ſhall uſe your power over mens lives, as the laſt and only means, which in your beſt apprehentions ſhall be moſt for the publick ſafety in ſuch caſe: *So* help you *God*, &c. *Commiſſioners of the Martial Diſcipline Oath*

WHereas you [*E. G.*] are choſen Conſtable within the Town of [*C.*] for one year now following, and until other be ſworn in the place: You do here Swear by the Name of Almighty God, that you will carefully intend the preſervation of the Peace, the diſcovery and preventing all attempts againſt the ſame: You ſhall duely execute all Warrants which ſhall be ſent unto you from lawful Authority here Eſtabliſhed, and ſhall faithfully execute all ſuch Orders of Court as are committed to your care: And in all theſe things you ſhall deal ſeriouſly and faithfully while you ſhall be in Office, without any ſiniſtre reſpects of favour or diſpleaſure: So help you God, &c. *Conſtable: Oath*

WHereas you [*J. G.*] are choſen an Officer for the Searching and Sealing of Leather, within the Town where you now dwell, for the ſpace of a year, and till another be choſen and ſworn in your room; You do here Swear by the Ever living God, that you will carefully and duely attend the Execution of your ſaid Office with all faithfulneſs for the good of the Common-wealth, according to the true intent of the Laws in ſuch caſe provided: So help you God, &c. *Leather ſealers Oath*

Clerk of Markets Oath

YOU [*C. D.*] here Swear by the Ever living God, that you will from time to time, faithfully execute your Office of Clerk of the Market in the Limits whereto you are appointed for the enſueing Year, and till another be choſen and ſworn in your place: And that you will do therein impartially, according to the Laws here eſtabliſhed in all things to which your Office hath relation: So help you God, &c.

Searchers Oath

YOU [*S. S.*] do here Swear by the Ever living God, that you will to your power faithfully execute the Office of a Searcher for this year enſueing, and till another be choſen and ſworn in your place concerning all Goods prohibited, and in ſpecial for Gun powder, Shot, Lead, and Amunition: and that you will diligently ſearch all Veſſels, Carriages, and Perſons that you ſhall know, ſuſpect or be informed, are about to tranſport or carry any thing out of this Juriſdiction contrary to Law. And that you will impartially ſeize, take, and keep the ſame in your own Cuſtody: one half part whereof ſhall be for your ſervice in the ſaid place, the other you ſhall forthwith deliver to the Treaſurer: All which Goods ſo ſeized and diſpoſed you ſhall certifie under your hand to the Auditor General within one moneth from time to time: So help you God, &c.

Apprizers Oath

WHereas you [*T. D.*] are choſen Apprizer of ſuch Land or Goods as are now to be preſented to you; You do here Swear by the living God, that all partiality, prejudice and other ſiniſtre reſpects laid aſide, you ſhall Apprize the ſame, and every part thereof, according to the true and juſt value thereof at this preſent by common account by your beſt judgement and conſcience: So help you God, &c.

Viewers of Pipe-ſtaves Oath

WHereas you [*J. B.*] are choſen Viewer of Pipe ſtaves within the Town of [*B.*] You do here Swear by the Ever living God, that at all convenient times while you ſhall be in place, when you ſhall be required to execute your Office, you ſhall diligently attend the ſame, and ſhall faithfully without any ſiniſtre reſpects, Try and Sort all Pipe-ſtaves preſented to you, and to make a true Entry thereof according to Law: So help you God, &c.

Cuſtomers Oath.

WHereas you [*A. B.*] are choſen Cuſtomer for the year enſueing, You do here Swear by the Ever living God, that you will from time to time faithfully execute your Office to your beſt skill, according to the Orders of this Court, for the Cuſtome of all ſuch Goods as are Imported or Exported, due by Law unto the Country, and all other things belonging to your Office, and to give a true Accompt to the Treaſurer at the end of every three Moneths from time to time, or when you ſhall by Law be thereunto required: So help you God, &c.

You

YOU Swear, &c. That you ſhall Impartially view ſuch Fiſh as are preſented before you, and determine what part thereof is Merchantable, and which is Refuſe Fiſh and un-Merchantable, according to your beſt skill, knowledge and judgement: So help you God, &c. *Viewers of Fiſh Oath.*

WHereas you [*A. B.*] are choſen a Packer of Beef, Pork, and other things for the Town of [*B.*] You do here Swear by the Living God, that you will well and truely Pack all Beef, Pork, and other things when you ſhall be thereunto required; You ſhall Pack no kinde of Goods but ſuch as are good and ſound, nor any Goods in any Cask that is not of a juſt and full Gage; You ſhall alſo ſet your particular Mark upon all Cask Packed by you, and in all things proper to the place of a Packer, you ſhall faithfully diſcharge the ſame from time to time according to your beſt Judgement and Conſcience: So help you God in our Lord Jeſus Chriſt. [*1652.*] *Packers Oath.*

FINIS.

ERRATA.

PAge 1. line 8 read & *May 1671.* in *Bondſlavery* l. 3. r. or ſhall *for* as. Coopers p. 17. l. 12. r. pag. 64. l. 24. r. pag. 88. p. 40. l. 4. r. the Subſcription l. 9. r. Adminiſtrators p. 46. l. 5 r. Miniſtry. l. 12. r. Heterodox. l. *ult.* r. *1668.* p. 54. ſect. 2. of Fornication. l. 2. r. pag. 33. & after Puniſhment r. pag. 67. p. 56. l. 28. r. priviledge. l. 30. r. ſuffrage. p. 57. l. 2. *dele.* made. p. 77. l. 22. r. appoint thereunto p. 84. l. 31. r. being thereof. p. 70. l. 2. r. pag. 39. p. 116. l. 1. r. relating p. 80. l. 27. r. expreſſed. p. 15. for Sect. 18. r. 14. for. 17. r. 16. next page r. folio 16. l. 6. r. that. p. 102. l. 21. r. 1670. p. 9. l. laſt but one r. Feoffees in l. *ult.* r. 1671. p. 73. l. 8. r. are p. 134. l. 17. r. proceed. p. 155. l. 11. r. Explication.

A Summary of the LAWS foregoing Alphabetically Digeſted,

Wherein P. ſtandeth for Page, and S. for Section;
For the right Improvement whereof, the Reader muſt ſupply the figures of ſome Sections in the Laws, where they are omitted:

A *Folio.*

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For chuſing Guardians. ibid
For Plantiffs or Defendants. p. 2. s. 2.
Who may defend the right of them that are under age. ibid.
Perſons of any age to anſwer for Crimes, &c. ibid.
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Actions.

When Tryable. p.2. s.1.
Rules for Entry. p. 2. s. 2.
No Plea, or Evidence allowed after a caſe is committed to a Jury. p 2 s 2
Of Treſpaſs under 40 s. p. 2. s. 3
Brought to the General Court p. 3. s. 6.
Plaintiffs liberty to withdraw. p. 3. s. 7.
In civil Actions every one ſecured from damage by non-appearance of any, *See appearance, non-appearance.* p 4.
In *involuntary Treſpaſs*, not to proceed in caſe, *See Cattle.* p. 18. s. 3

Appeal.

From *Inferiour Courts* to *Courts of Aſſiſtants* p. 3. s. 1.
How and when *to be Entred.* ibid.
From one *Magiſtrate* to *County Courts* ibid
In *criminal caſes* how to be proceeded in ibid
From *Court of Aſſiſtants* to *General Court* in caſe. ibid.
Execution *not to be granted in caſe.* s. 1.
In matter of Law *to be determined by the Bench.* ibid.
In matter of Fact *by Bench and Jury.* ibid.
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FINIS.

A SUPPLEMENT OF LAWS AND ORDERS PASSED BETWEEN MAY 15th, 1672 and FEB. 16th, 1685-6.

Several Laws and Orders made at the

GENERAL COURT,

Holden at Boſton the 15th. of May

1 6 7 2.

And Printed by their Order.

Edward Rawſon Secr.

JURIES VERDICT.

THis Court being deſirous to prevent all Diſſatisfaction and Inconveniencies that may ariſe in the Tryal of Civil caſes in Inferiour Courts, ſometimes happening by reaſon of Diſagreement between the Bench and Jury formerly allowed by Law;

Do Order and Enact; That henceforth in all County Courts, after that the Bench have uſed all reaſonable endeavours for clearing the caſe to the Jury, by declaring the Law, and comparing the matter of Fact and Damage proved therewith, the Verdict of the Jury finally given, ſhall be accepted, and Judgement accordingly Entred: And in like manner ſhall the proceeding be in the Court of Aſſiſtants, unleſs upon apparent corruption or errour in the Jury giving in their Verdict contrary to Law or Evidence, the party caſt ſhall in open Court Attaint the Jury, and give ſufficient Bond and Sureties within twelve hours after the Verdict is accepted, to proſecute the ſaid Jury at the next Court of Aſſiſtants, in an Action of Attaint, in which Caſe Execution ſhall be reſpited, and the Clerk of that Court ſhall Summon a Jury of *twenty four* Able and Diſcreet men choſen as the Law Directs, to attend the ſervice of the Court where the ſaid Action of Attaint ſhall be tryed in the firſt place, and if on tryall of the caſe, there ſhall be found manifeſt Error or Miſtake, the party Complayning ſhall be Repayed his full damage from the other party

Juryes Verdict to be Read and not refuſed.

Plaintiff and Defendants liberty to Attaint the jury in Caſe.

to the Original Suit and if by the ſaid Jury of twenty four there be found Bribery, Conſpiracie, or other Corruption, in the Jury attainted, they ſhall be puniſhed by *Fine* or *Impriſonment*, proportionable to the degree of their Offence; And if otherwiſe, the twenty four Jurors ſhall acquit the former Jurors accuſed, they ſhall be allowed double Coſts from the party accuſing, and their Verdict and the Judgement of the former Court ſhall ſtand good, and execution ſhall be Iſſued forth accordingly; And that Clauſe in the Law, allowing the Magiſtrates not to Concur with, or refuſe the Verdict of the Jury is hereby Repealed.

Juryes attainted how Tryed.

SURETIES

For Explanation of, and Addition to the Law fit. Sureties and goods Attached, *where it is provided that Sureties as well as Principalls ſhall be Reſponſible for one month to pay the Debt, unleſs he or they Surrender the Principal into the hands of the Marſhall or Deputy, but no way provided in the ſaid Law how the Suretyes may be compelled thereunto*;

Where Bonds are forfeited the Caſe to proceed.

It is therefore Ordered, and hereby Declared, That in ſuch Caſe the Party and Sureties being called and the Bond declared forfeited upon non-appearance, the Caſe ſhall proceed to hearing, and Judgement at the ſame Court, as in caſe of the Defendants non-appearance upon Attachment of Goods: And if the Caſe be found for the Plaintiff, that Judgement be granted againſt him and his Suretyes, and Execution be Iſſued out accordingly, and to be in force againſt the Sureties as well as the Principall, for one month after Judgement given, as the ſaid Law Intends.

Execution to Iſſue out againſt Suretyes

No ſtrong Liquor to Workmen.

WHereas there have been ſundry and frequent complaints preferred to this Court, of Oppreſſion by Exceſſive wages of Workmen and Labourers, which notwithſtanding the endeavours of this Court to redreſs; ſuch oppreſſions continue and further increaſe, by a dangerous Impoſition of ſuch perſons on thoſe they work and labour for, by demanding an allowance of Liquors or wine every day over and above their wages, without which it is found by too ſad experience many refuſe to work; Now *forasmuch as ſuch a practice of drinking liquors and wine, tends much to the rooting young perſons in an evil practiſe, and by degrees to trayn them up to an habit of exceſs*;

Law prohibiting Wine or ſtrong Liquors to work men.

It is therefore Ordered by this Court and by the Authority thereof, and be it hereby Enacted; That if any perſon or perſons after the publication hereof, ſhall give wine or ſtrong liquors to any workmen or boyes that work with them, except in caſes of neceſſity, ſhall pay twenty Shillings for every ſuch Offence.

This

MILITARY.

THis Court taking into thir ſerious Conſideration the weight and neceſſity that lyeth on them, to ſee that all Souldiers, *(eſpecially at ſuch a ſeaſon as this) ſhould be fitted with* Armes, *and well skilled to uſe them; And becauſe the welfare of each Military Troop and foot Company, both in their being provided with, and knowledge of their uſe of Armes, lyeth very much in the Clerk of each Companyes carefull and faithfull obſervation and execution of his Office, in the ſeaſonable and due levying of ſuch Fines as are by Law aue for defects, the neglect whereof too ſad experience ſheweth, hath done very great hurt in many Companyes, for preventing ſuch Inconveniencies for the Future;*

This Court doth Order, That what Fines ſhall be due according to Law from any Souldier for defect, in either Armes or Traynings, which the Clerk or Clerks of the ſaid Troop or Company ſhall not leavie and gather into his hands, within one Moneth after the Training day on which the ſaid defect is made, it ſhall be in the power of the Captain or chief Officer of that Troop or Foot Company to ſend the Marſhal or Conſtable with an Execution, and leavie the ſaid Fines upon the Eſtate of any ſuch Clerk or Clerks ſo defective, unleſs the ſaid Clerk can make it appear to the Captain, that he or they have been hindred either by ſickneſs or the abſence of the perſon delinquent being out of Town.

Souldiers fines to be gathered by the Clerk of Troops or Foot Companies within a month or to be leavied on themſelves

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company ſhall once in ſix Moneths render a particular account to the Captain or chief Officer, of all ſuch fines as are leavied by the ſaid Clerk, that the ſame may be diſpoſed of for the good of the Company according to Law.

THis Court conſidering our own ſtate as to Fortification, *how that our Forts and Artillery belonging to the Country, both in this Town of* Boſton, Charlstown, Salem *and* Marble head *do need much to repair them, that they may be fit for ſervice if God ſhould call thereunto;*

Do therefore Order; That each of the Towns above-mentioned ſhall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finiſhing and repairing the ſeveral Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforeſaid Towns. by them ſpeedily to be improved for the uſe aboveſaid.

Further allowance to Boſton Charlstown, Salem and Marble head for Fortification

WHereas divers Souldiers, who by Law are commanded to attend Military Exercitſe upon Training dayes in the Towns where they live, not having any viſible Eſtate wherein the Clerk of of the Company unto which they do belong can leavie the fine due by Law, when they are delinquent either in Arms or Trainings, do often neglect the duty in both keeping Arms and Trainings, and do thereupon carry it boldly and provoakingly to the Clerk and other officers; For prevention whereof

It is Ordered by this Court and the Authority thereof; That it ſhall

Souldiers neglect of Arms & training with their Contempt of Officers how punished

be in the power of the Commiſſion Officers of each Company, or ſuch of them as are preſent at the next Training day after ſuch offence is committed, to punish ſuch perſon offending as aboveſaid, who hath not ſatisfied the Clerk according to Law, by any Military puniſhment according to the aggravation of the Crime, by either Riding the Wooden Horſe, or by Bilboes, or lying Neck and Heels, or acknowledgement at the Head of the Company, or any puniſhment according to Military Diſcipline, at the Diſcretion of the Commiſſion Officer or Officers preſent.

And in caſe any ſuch Delinquent ſhall abſent himſelf from Training two dayes together, that then it ſhall be in the power of the chief Officers, and they are hereby enjoyned by Warrant directed to the Conſtable of that Town, to convent ſuch Offender before him, and to proceed with him as in this Order is provided, and all Conſtables are hereby Ordered to attend their duty herein.

Book-Debts.

WHereas by the Law made May *1669 reſpecting Book-debts; It is Declared, that all Book-Debts ſhall be cleared within three years, as is therein expreſſed, after which time no Book-Debt ſhall be pleadable in any Court: Upon a generall complaint, that the ſaid Law will prove to the real detriment of very many of our Inhabitants, and the utter undoing of ſome if a greater number of years be not allowed to ſhut up Accompts;*

Three years further added relating to Book-debts

It is therefore Ordered, and is hereby Declared; That there ſhall be three years more added for the advantage of Debtors and Creditors to iſſue their Accompts, that all grounds of complaint in this kinde may be removed.

BURGLARY.

WHereas in the Law tit. Burglary, it is expreſſed if any perſon ſhall commit Burglary by breaking open any Dwelling Houſe;

Addition to the Law tit. Burglary

It is Ordered by this Court and the Authority thereof, as an Addition to that Law; That if any perſon ſhall break up any Ware-houſe, Shop, Mill, Malt houſe, Barn or Out houſe, or any Veſſel on any Shoar, or in any Cove, Creek, or upon the Water, ſuch perſon ſo offending, ſhall be puniſhed as the Law provides in caſe of breaking up *Dwelling*-houſes.

Leather.

HIDES.

WHereas the *Law* tit. Leather *in the latter end of the firſt* Sect. *doth reſtrain all perſons except Tanners to Bargain for, or buy any Hides of Bull, Steer, Oxe Cow, &c. being inconvenient in regard they are many times given in Barter for Shoos, &c.*

Hides to be purchaſed by any

The ſaid Clauſe in that Law, by the Authority of this Court is hereby Repealed.

WHereas *the Laws already made to prevent the Tranſportation of the Hides of the growth of this Colony, do not reach the End, for want of a full and due Execution*;

This Court doth therefore Authorize and appoint the Freemen of every Seaport Town within this Jurisdiction, to Choſe a meet and ſufficient perſon from amongſt themſelves yearly, to whom all perſons ſhall repair who intend the tranſporting of any Raw or Ruffe Hides, and ſhall make proof whence ſuch Hides ſo to be tranſported came, and that they are not of the growth of, nor killed in this Colony, and ſhall take a note from the perſon ſo Authorized of the number of Hides that he intends to tranſport, paying one penny to the aboveſaid perſon for every ſuch Hide.

Hides of the Countries growth not to be tranſported out of the Juriſdiction on penalty &c.

And it is hereby Ordered, That no perſon ſhall ſhip or tranſport any Hides whatſoever out of this Juriſdiction, without licenſe from the perſon ſo Authorized, upon penalty of looſing of ſuch Hides ſo ſhipped: nor ſhall any Maſter, Purſer or any other perſon belonging to any Ship or Veſſel within this Colony, receive on Board any Raw or Ruffe Hides without a Note or Ticket from the perſon ſo appointed firſt appearing, upon the penalty of paying *ten ſhillings* for every Hide ſo ſhipped: And ſuch perſon Authorized as aboveſaid, ſhall have power by himſelf or whom he ſhall appoint, to make ſearch in any Ship or Cask, wherein they ſuſpect any Hides to be Laden contrary to this Order, and ſhall make ſeizure thereof, and the penalties and forfeitures above-mentioned ſhall be the one third to the ſeizer, one third to the Country, and one third to the Town from whence ſuch Hides are ſhipt.

And it is further Ordered, that the perſons choſen as aboveſaid, ſhall be ſworn to a faithful diſcharge of their duty herein.

INDIANS PORK.

WHereas *the Indians that border upon the Engliſh Towns within this Juriſdiction, do frequently ſell Pork to the Engliſh, and there is ground to ſuſpect that ſome of the Indians do ſteal and ſell the Engliſh mens Swine; For prevention whereof*;

This Court doth Order and Enact, That all Engliſh men do henceforth mark their Swine with ſome Ear-mark, or if they neglect the ſame, it

shall be reckoned as the loss of their propriety in them.

Order to prevent Indians stealing Englishmens Swine

And it is further Ordered; That no Indian within this Jurisdiction shall mark any Swine upon the Ears, and that all Indians who bring Pork unto the English to sell, are required to bring with them the Swines Ears whole, otherwise, or if the ears be marked, it is in the liberty of any person to seize upon such Pork tendred to sell, and the same to be forfeited, the one half to the Seizer, the other half to the poor of the place where it is seized, to be distributed by the Select-men to them:

And it is further Ordered; That this Law be forthwith Printed, Published and Declared to all the Indians within this Jurisdiction in the Indian Language, that they may attend the same; And this Law to take place and commence eight Moneths after publication hereof.

SCOLDES.

WHereas there is no expres punishment (by any Law hitherto established) affixed to the evil practise of sundry persons by Exorbitancy of the Tongue, in Railing and Scolding;

Punishment for Railing or Scolding

It is therefore Ordered; That all such persons convicted before any Court or Magistrate, that hath proper cognizance of the case, shall be Gagged, or set in a Ducking stool, and dipt over Head and Ears three times in some convenient place of fresh or salt water, as the Court or Magistrate shall Judge meet.

Resolution of a Question as to Fraight

Whether S shipping Goods upon B to be delivered to R beyond the Sea, the said R paying fraight, and the said B upon his arrival at the Port tendring the said Goods to R, and the said R refusing to meddle with the said Goods and to pay fraight, whether the said B can recover his fraight for the said Goods of the said S, the said Good being left in a safe hand by good advice by the said B, or whether the said B ought not to have satisfied himself for his fraight out of the said Goods without molesting the said S? The Court resolves this Question, that S is not liable to pay fraight unto B, but B to satisfie himself for the fraight out of the Goods.

Where reviews are to be tryed.

Whether all Reviews are to be Entred and Prosecuted in that Court where the Action was at first commenced? The Court resolves the Question on the Affirmative.

Whether upon an Action of Review, the Costs of former Courts where the Action hath been tryed, shall be granted for whom Judgement is given? The Court Resolves this on the Negative.

Possession according to Law gives title, &c.

Whether the Law *tit. Possessions* intend the confirmation of Land to the Possessor, where the Graunt of the said Land was to another person, and the Possessor nothing to show for the Allienation thereof but his Possession according to that Law. The Court resolves this on the Affirmative.

FINIS.

Several Laws and Orders made at the

GENERAL COURT.

the 8th. of October 1672

AS ALSO

Several Laws and Orders made at the

GENERAL COURTS.

Holden at Boſton the 7th of May and 15th. of October, 1673.

And printed by their Order.

Edward Rawſon Secr.

At the Second Seſſions of the General Court Held at Boſton *the* 8th. *of* October, 1672.

IT is ordered and by the Authority of this Court Enacted; That all Strangers coming into this Country, ſhall, and may henceforth have Liberty to Sue one another in any Courts of this Colony, that have proper Cognizance of ſuch Caſes; and that any Inhabitant may be ſued by any Strangers who are on Immediate Imploy by Navigation, Marriner or Merchant, in any of our Courts, the ſaid Strangers giving in Security to the Clerk of the Writts to reſpond all extraordinary Damages, the ſaid Inhabitants ſhall ſuſtein, by being ſued out of the County to which he belongs; in Caſe the Stranger ſhall not obtein judgement againſt ſuch Inhabitant ſo ſued, and the Law Title, Special Courts is hereby repealed and made void. Any Law, Cuſtome or Vſage to the Contrary notwithſtanding

Strangers Liberties to Sue in County Courts.

One Magiſtrate and one Aſſociates Power

IT is Ordered by this Court and Authority thereof; That in all Counties, where there is but one Magiſtrate there, any one of the Aſſociates for that County Court joyning with the Magiſtrate, any act by them done, ſhall henceforth be accounted legally valid, and is hereby allowed to all Intents and Purpoſes, as if done by two Magiſtrates; and in thoſe Counties where there is no Magiſtrate, any one inveſted with Magiſtratical Power with two Aſſociates, have like Power committed to them to act as any two Magiſtrates, as above.

WHereas by ſad experience; It is too obvious to all our people and others, that the ſin of Whoredome and Uncleanneſs grows amongſt us, notwithſtanding all the wholſome Laws made for the puniſhing and ſuppreſſing ſuch land Defiling Evils; And whereas there is of late, too juſt ground to ſuſpect a greater Evil growing upon us, by the bold and audacious Preſumption of ſome, to erect a Stews, Whore-Houſe, or Brothel-Houſe; for the nouriſhing ſuch wickedneſs, the encreaſe of which Evil, if not timely prevented, may tend to the debauching of multitudes of perſons, and tend to the utter ruine of their Eſtates, Soul and Body.

Courts Teſtimony againſt, and Order to prevent Baudery

It is therefore Ordered by this Court, and the Authority thereof; That if any Perſon, Male, or Female, ſhall preſume to ſet up or keep any ſuch Houſe, wherein ſuch wicked luſts may be nouriſhed, and Whoredome committed, every ſuch Baud, Whore, or vile Perſon, upon Conviction of ſuch Offence or Offences; ſuch Bawd, Whore, or vile Perſon, ſhall be ſeverely whipt at the Carts-tayle, through the Streets, where ſuch Offence, or Offences hath been committed, with *Thirty Stripes*, and thence to be committed to the Houſe of Correction, and by the Maſter of the ſaid Houſe to be kept with hard fare, and hard labour, by dayly Task, and in defect of their duty to be ſeverely whipt every night with *Ten Stripes*; and once at leaſt in every Week, the ſaid Baud and his Complices in ſuch vile and ſinful Courſes the Baud to be their Leader, and the other two and two in hair Frocks and blew Caps by the Executioner to be faſtned to a hand Cart, and forced along to draw all the filth laid up in the Cart, through the Streets, to the Sea ſide going to the Gallows in *Suffolk*, and in all other Counties where the Court of each Shire ſhall appoint, and ſo returned to the Houſe of Correction, to be alike kept with hard Fare and Labour, according to the Cuſtome of the Houſe during the Courts pleaſure, there to remaine.

At a General Court for Elections, Held at Boſton, the 7th of May, 1673

THis Court taking into ſerious Conſideration the great neceſſity of Upholding the ſtaple Comodities of this Country, for the Supply and ſupport of the Inhabitants thereof, and finding by experience the bringing in of Maulr (which is a principal Comodity of this Country) from Forreign parts to be exceeding prejudicial to the Inhabitants of this Colony.

It

It is therefore Ordered; That whoſoever, whether Inhabitant or Stranger, that ſhall directly or indirectly from henceforth Import into this Juriſdiction, from any parts of *Europe*, any Malt; every ſuch perſon ſhall pay unto the Treaſurer of the Country the Summe of *ſix pence Per buſhel*, for Malt ſo landed, beſides the Rate of *one peny per pound* formerly Impoſed, and the Collector ſhall ſtand charged with gathering up of the ſaid Impoſt, and to return the ſame to the Treaſurer.

6 d p Buſhel to the Treaſurer for Malt Imported from Europe

WHereas *all Fiſhermen ſettled Inhabitants, are by Law exempted from ordinary traynings, which indulgence is by many perſons improved when they are at home and not imployed in their callings, to be Spectators or otherwiſe idling, gaming, or ſpending their time unproffitably, whereby ſuch perſons as attend their duty and ſpend their time in that ſervice is diſcouraged; For the prevention whereof*;

Fiſherman when at home liable to Training

It is Ordered by this Court and the Authority thereof; That all Fiſhermen being Inhabitants, when they are at home (and not imployed neceſſarily, and ſo judged by the chief Officers) ſhall attend publick Traynings, or elſe be fined *five ſhillings*, as the Law directs for others abſence. Any Law, Cuſtome or Uſage to the contrary notwithſtanding.

THis Court *having long ſince made an* Order *to prevent damage done by Horſes*, title Corn fields &c. Sect. 3. *But no penalty annexed thereunto. as an Addition to the ſaid Law*;

This Court doth Order the penalty on non obſervance thereof, with reſpect to Horſes, to be *five ſhillings* fine for every ſuch offence to the Town where it is Committed, beſides any damage accrewing by every ſuch Horſe or Horſe kind ſo unfettered or unſhakled as in the ſaid Law is provided. And further that none ſhall be permitted to keep a Horſe or Horſe-kind in the woods or Commons, but ſuch as are accepted free Commoners in any ſuch Town. under the penalty of *twenty ſhillings* a Horſe for every ſuch offence, to be diſpoſed of as the Select men ſhall ſee meet.

Penalty for Horſes going in the Commons and Damege done by them

And further, *as an explanation of the late Law reſpecting ſtons Horſes not to go upon the Commons uner the penalty of* twenty ſhillings *a month*;

This Cout doth Declare, that it is to be underſtood of twenty ſhillings for every ſuch Horſe found on the Commons, ſo often as he ſhall be found there.

FOrasmuch *as ſundry unskilfull perſons have of late years, taken upon them to boyle, pickle, and Sell Sturgeon for Tranſportation, of which ſundry Keggs, and other Caske have proved corrupt and wholly unſerviceable to the diſappointment and Damage of ſundry Merchants and others, as alſo to the debaſements of that Comodity and reproach of the Country which if onely Ordered, might be beneficial to the Inhabitants for Tranſportation, and otherwiſe.*

It is therefore Ordered and Enacted by the Authority of this Court; And be it hereby Ordered and Enacted, that no perſon whatſoever, ſhall henceforth boyle, pickle, or pack up any Sturgeon for Sale in this Juriſdiction, but ſuch as ſhall be licenſed thereunto by the County Court, where ſuch perſons Inhabit, on Penalty of forfeiture thereof, one half to the Informer, and the other half to the Country, And to the end, there may be no fraud or

abuſe

or abuſe in the ſaid Comodity, every ſuch licenſed Perſon ſhall brand mark all Cask wherein it is packed, with the letters of his Name, and that there be Searchers appointed and Sworn to view all Sturgeon made here or Imported, before it be ſold, or in kinde paſſed away; who ſhall ſet their mark on ſuch as they finde ſound and ſufficient in all reſpects, both as to the quality of the Sturgeon, and Gage of the Cask, and that only ſuch ſo marked, as above, ſhall be exported on penalty of forfeiture of the whole value thereof, for whoſe care and labour the Sturgeon boyler or Importer ſhall pay for the viewing and heading thereof after *Three Shillings Four Pence, p. Score*, for all Kegs and Firkins, from time to time, and if any ſhall counterfeit, the Sturgeon Boylers or Packers marke, they, or he, ſhall forfeit *Five Pounds* to the Country, for every ſuch defect; And it is referred to the reſpective County Courts, to licenſe able and fit Perſons to boyle and pickle Sturgeon for Sale, as likewiſe to appoint Searchers to view and marke the ſame, as above-ſaid.

Octobor 15th. 1673.

As An Addition to the Law Title Freemen. SECT. III.

Addition to the Law for Admiſſion of Freemen

It is Ordered by this Court, and the Authority thereof; That henceforth, the Names of ſuch as deſire to be admitted to the Freedome of this Common-Wealth, not being Members of Churches in full Communion, ſhall be entred with the Secretary from time to time at the *Court of Election*, and Read over before the whole Court, ſometime that Seſſions, and ſhall not be put to Vote in the Court till the *Court of Election*, next following

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Addition to the Law of the Sabbath

As An Addition to the Law of the Sabbath. SECT. II.

It is Ordered by this Court, and the Authority thereof; Beſides the Penalty upon the Perſons there offending the publick Houſe keeper, where any ſuch Perſon or Perſons are found ſo tranſgreſſing, (as in the ſaid Law is expreſt) ſhall pay *five Shillings* to the Treaſury of the County where the Offence is Committed.

Order for publiſhing the Laws

IT is Ordered by this Court and the Authority thereof; That all Laws and Orders of this Court, which are thought fit to be publiſhed at the end of every Seſſions, ſhall be forthwith ſent to the Preſs, and alſo read in the Market place at *Boſton*; upon the *fifth* day, being a Lecture day within *Ten* dayes after the end of ſuch Seſſions, which being performed, is, and ſhall be accounted ſufficient publication, and further that printed Copyes ſhall be diſperſed, at the diſcretion of the Treaſurer, and care taken for the ſame, by the Secretary and Marſhal General as the Law directs. *fo.* 231

IT is Ordered by this Court, and the Authority thereof; That where there be ſundry Proprietors of Lands lying together, and are incloſed by a Fence, although not by Conſent of Parties, or by any prudential act of Authority diſpoſing the ſame into one Common Field, the Major part of ſuch Propriety, may Order and Limit the proportion of Cattle that ſhall be put to feed thereon; or may otherwiſe be limited and proportioned by the Select men of the Town or Towns where ſuch Lands do lye, according to the direction of the Law Tit. Cattle and Corn-fields. SECT. II.

Order directing their Reſtriction of Proprietors in common Paſtures

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THE Court obſerving the wicked and unrighteous practiſes of evil men to Increaſe ſome Piratical ſeizing of Ships, Ketches, &c. with their Goods, and others by riſing up againſt their Commanders, Officers, and Imployers, ſeizing their Veſſels and Goods at Sea, expoſing their Perſons to hazard, &c. For the prevention whereof, and that due witneſs may be born againſt ſuch bold and notorious Tranſgreſſors

This Court doth Order, & be it hereby Ordered & Enacted; That what Perſon, or Perſons ſoever, ſhall Piratically or Feloniouſly ſeize any Ship or other Veſſel, whither in the Harbour, or on the Seas, or ſhall riſe up in Rebellion againſt the Maſter, Officers, Merchant, or Owners of any ſuch Ship, or other Sea Veſſel and Goods, and diſpoyle or diſpoſſeſs them thereof, and excluding the right Owner, or thoſe betruſted therewith; every ſuch Offender, together with all their Complices, if found in this Juriſdiction, ſhall be apprehended, and Legally couvicted thereof, ſhall be put to Death; Provided alwayes, that any ſuch of the ſaid Company, (who through fear or force have been deam'd to Comply in ſuch wicked action); that ſhall upon their firſt Arrival in any of our Ports or Harbours, by the firſt Opportunity, repair to ſome Magiſtrate, or others in Authority and make diſcovery of ſuch a practiſe; ſhall not be liable to the aforeſaid Penalty of Death

Order to prevent Piracy, &c

IT is hereby Ordered and Declared; That it ſhall be lawful for any Perſon by his lawful Attourny Authorized under his Hand and Seale, and legally proved to be his Act and Deed, to Sue in any of our Courts, for any right or Intereſt that he may have to any Eſtate of Lands or Goods, or any part thereof, according to our Law; unleſs the Law upon the hearing thereof, ſhall finde juſt reaſon to demurre upon the validity of the Attourniſhip, in one reſpect, or other,

Order Impairing Attourneis to Sue

IT is Ordered by this Court, and the Authority thereof; That the power and Truſt Committed to all Guardians, is as full to recover and take all Eſtate into their hands, as if the Childe or Children themſelves, for whom they are Guardians, were at age, and to improve the eſtate for the

Guardians power in Gale

Child or Childrens Advantage, till at Age; Generally to act as farre as Administrators may doe, except by will of the deceased, the Estate was Committed to an Executor, or others for their Education untill such an Age, the Guardian giving Security to the Court for his faithful performance of his Trust.

Valuation of Sheep to the Country and County Rates

THis Court taking into Consideration, that the price which Sheep are valued at in the Country Rate, is farre above what they are worth, and that no man might be discouraged from keeping that useful Creature so beneficial both for food, and Cloathing.

It is hereby Ordered and Declared; That all Sheep rateable in the Country Rate, of what kinde soever, shall be valued at *five Pounds* p. Score, in all Country and County Rates; and this Order to take place in the *sixth Moneth* next.

Addition to the Law Tit. Sealers of Leather

AS an Explanation of the Law tit. Hides and Skins, *Sett. the first. Prohibiting Transportation of unwrought Leather*;

This Court Declares, that by unwrought Leather, is to be understood, not made up into Wares, and further judge meet to Declare that no Leather being Tanned shall be sent to the Curriers to be dressed before the Sealer of Leather have viewd, and set his Mark thereunto, under such Penalty as the Law provides in this Case, Title Leather.

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penalty for taking away Shallops, Boats Skiffs Cannoos, &c.

IT is Ordered by this Court, and the Authority thereof; That if any Person shall take away any Shallop, Boat, Skiffe, or Cannoo, from any Vessel, Wharfe, or from the Moaring, without leave from the Owner or Master thereof; he shall pay to the said Owner or Master, if it be Canoo, *five Shillings*, and for a Boate or Skiffe, *Ten Shillings*, and if it be a Shallop *Twenty Shillings*, and so much *per Day*, for every day after the first day Detaining, or not returning the same together, with what ever Damage the said Owner or Master, or the said Cannoo, Boate, Skiffe, or Shallop, shall suffer thereby in any kinde, to be judged by any Magistrate, or Commissioner, Authorized by Law in like Cases; and further to Fine the Party offending for his Trespass to the County, if there be cause.

Persons selling Liquors to Indians, liable in Case to Whipping, &c.

WHereas by experience, many persons through Poverty, not able to pay the Fine Imposed by Law, on the Sale of Liquors to Indians, are thereby Imboldned to Transgresse, as Addition to the Law, P. 75. Sett. 5.

It is hereby Ordered; That Persons Transgressing that Law, and not paying the Fine Imposed, shall be punished by Whipping, at the discretion of the judges, and greatness of the Offence, any Law, Custome, or Usage notwithstanding.

IT being put to the Question; Whether Wine and strong Waters belonging to any Inhabitant of Pisataqua, and Imported into these parts to the Market be liable to pay duties according to the Law Title Impost

This Question is resolved on the Affirmative; Provided the said Goods have not paid Impost in some of our Ports already according to Law

FINIS.

ORDERS,

Made at A

GENERAL COURT

held at Boſton, January the 6th. 1673.

And Printed by their Order.

Edward Rawſon Secret.

IT is Ordered by this Court, and the Authority thereof; That henceforth all Caſes of Admiralty, ſhall be heard and determinated by the Court of Aſſiſtants, and to be Iſſued by the Bench without a Jury; unleſs the Court ſhall ſee cauſe to the contrary: Provided alwayes, this Act ſhall not be interpreted to Obſtruct the juſt Plea of any Marriner or Merchant Impleading any Perſon in any other Court, upon any matter or Cauſe that depends upon Contract, Covenant, or other matter of common Equity in Maritime Affaires, to be Iſſued according to the known Lawes of this Colony.

Admiralty Caſes to be tryed at the Court of Aſſiſtants.

WHereas *the Publick occaſions of the* Country *do frequently require, that Meſſengers be ſent* Poſt, *and as yet no ſtated allowance is ſetled in ſuch caſes;*

It is Ordered by this Court and the Authority thereof, That from henceforth every perſon ſo ſent upon the Publick ſervice of the Country, ſhall be allowed by the Treaſurer, after the Rate of *three-pence per mile*, to the place to the which he is ſent in money, as full ſatisfaction for the expence of Horſe and Man; And no Inholder ſhall take of any ſuch Meſſenger or others Travailing upon Publick ſervice more then *two ſhillings per buſhel* for Oates, and *four-pence* for hay, day and night.

Allowance for Poſts.

FINIS.

Several

LAWS and ORDERS

Made at the

GENERAL COURT

Holden at Boſton the twenty ſeventh of May

1674

And Printed by their Order,

Edward Rawſon Secret.

Judgements fruſtrated by Perſons.

Judgements fruſtrated by perſons. Tendring goods Lands, &. not their own, how to be made good.

WHEREAS in the Levying of Executions, there have fallen out many Difficultyes whereby the Judgements obtained, have been made frustrate; For the prevention whereof;

The Court doth Order and Declare; Where any Execution ſhall be Levyed on any Houſes, Lands and Goods, and delivered to the Parties for whom the Judgement was granted and the ſaid Execution returned according to Law; if it ſhall appear the Perſon whoſe Lands, Goods or Houſes were levyed by Execution, have affirmed, or delivered, or tendred the ſaid Goods, Lands or Houſes as his own, which in reality

were not his own proper Eſtate, and in the ſame condition of Eſtate as he did tender them either to the Officer or Parties for whom the Execution is levyed, ſuch perſon ſo endeavouring by ſuch Action to delude the Law and defraud the Creditor, ſhall be liable to pay double damages to the party grieved, and Pay ſuch fine as the County Court ſhall ſee cauſe to impoſe.

And if any Party that hath obtained an Execution, ſhall adventure to levy the ſame upon Lands, Houſes or Goods, commonly accounted the Houſes Lands or Goods of the perſon againſt whom the Judgement was granted, and the Execution be returned according to Law, if it afterwards appear the ſaid Houſes, Lands or Goods were not the Houſes, Lands or Goods of the ſaid Parties againſt whom the Judgement was given, the party that was ſo miſtaken making the ſame to appear to the Court that granted the Judgement, the ſaid Court ſhall Order a new Execution for the ſatisfying of the Judgement notwithſtanding the former Execution returned.

County Co. &c. to renew Execution in caſe &c

WHereas it is of great moment in the Adminiſtration of Juſtice, that all matters of Records, ſhould be faithfully Entred and kept, and as occaſion is, given forth;

Clerk of Courts & Recorders to be Sworn

It is Ordered and Enacted by the Anthority of this Court; That from henceforth the ſeveral Clerks or Recorders of the Publick Courts of Juſtice, and the Recorders of the ſeveral Counties in this Jurisdiction ſhall be Sworn by the Courts to which they belong, unto the faithful diſcharge of their Office in all reſpects, and that the form of the Oath be as followeth:

Their Oath.

Whereas you A. B. are appointed Clerk of the County Court of C. You do Swear by the Everliving God, that you will faithfully and uprightly demean your ſelf in the ſaid Office: you ſhall truly and fairly Enter and Record all Acts and Judgements of the ſaid Court, and whatever you ſhall receive Order and direction from the ſaid Court to do, you ſhall ſafely and faithfully keep and preſerve the ſaid Records, and deliver Executions, Decrees or Orders to Perſons concerned as in duty you ought, and true Copies of ſuch Records give forth when regularly called ſo to do, and in all things you ſhall be faithful and true to the Court: So help you God &c.

THe Law having Provided for Holding of County Courts, where Magiſtrates *are wanting, by ſuch perſons of worth (*ſtiled Aſſociates*) as the Freemen if ſuch Counties ſhould Nominate, being allowed and appointed by the General Court; And there having been too great a neglect of certifying the* General Court, *the Names of the perſons ſo nominated, for their confirmation and appointing ſuch Perſons the Aſſociates for that County.*

This Court doth hereby remit former neglects herein; And do Declare, That notwithſtanding ſuch Omiſſions, all former Acts of County Courts ſhall be accounted good and valid: And for time to come, do further Declare and Order, That in all Counties where Aſſociates are to be appointed, the Freemen ſhall make their Nomination of ſuch Aſſociates at the ſame time yearly when they give in their Nominations for Magiſtrates, which Votes for Nomination of Aſſociates ſhall be carried alſo by the ſame Commiſſioners of the ſeveral Towns, ſealed up to their Shire meeting, there to be opened, and thoſe four perſons that ſhall have the moſt Votes ſhall be certified under the hands of three of the ſaid Commiſſioners, the Shire Commiſſioner being one, to the Court of Election yearly: For the confirmation and Approbation of the ſaid Aſſociates, which being obtained, the Secretary ſhall certify the Clerk of the County Court thereof, who ſhall give notice to ſuch Aſſociates to appear at their next County Court there to take their reſpective Oaths.

Aſſociates of Courts how to be choſen and when to be Sworn &c.

THis Court accounting it their Duty by all due means to prevent appearance of ſin and wickedneſs in any kinde:

Do order; That henceforth it ſhall not be lawful for any ſingle Woman or Wife in the abſence of her Husband, to entertain or lodge any In-mate or Sojourner with the diſlike of the Select men of the Town, or Magiſtrate, or Commiſſioners, who may have cognizance thereof, on penalth of *five pounds per* week on conviction thereof before any Court or Magiſtrate, or be corporally puniſhed, not exceeding *ten ſtripes*; And all Conſtables are to take cognizance hereof for information in ſuch caſes.

FINIS.

Several Laws and Orders made at the SECOND SESSIONS of the GENERAL COURT held at Boſton in New England the Seventh of October 1674

And printed by their Order

Edward Rawſon Secr.

BOSTON COMMISSIONERS.

Commiſſioners power to extend through Boſton Limits.

WHereas the ſetling of the Power of the Commiſſioners of Boſton is Confined barely to the Town and neck, with Noddles Iſland: It is upon ſeveral Conſiderations thought meet and;

It is hereby Ordered; That their Power be extended to the whole Limits of *Boſton*, in Civil and Criminal Caſes, according as the Law provides for their acting formerly in the bounded Limits aboveſaid, notwithſtanding the ſaid Law.

Boſton Companyes to be Divided.

Order to divide the foot Companies in Boſton.

WHereas this Court in the Year 1652 for the better ſetling of the Militia in the ſeveral Towns, did Order and Enact that wherein any Town within this Juriſdiction, the Number of Souldiers who by Law are to attend conſtant trainings ſhall ariſe to be two hundred men, that then ſuch Souldiers ſhall be divided into two Companies, if to three hundred, then to be divided into three Companies &c. Now forasmuch as it appears by good Information; That moſt of the Companies in Boſton do exceed the aforeſaid number of two hundred.

This

This Court doth hereby Declare, that the former Order of dlviding, ought to be forthwith Amended, and that the Major of the Regiment together with the Commiſſion Officers of each Company take ſpeedy Order to ſee it performed, and to make Returns thereof to the next Court of Election.

DEVONSHIRE.

Settlement of the Eaſtern parts

THis Court taking into Conſideration what hath been acted in ſetling of the Eaſtern parts at Kennebeck, *and the places adjacent within our line, under Government, according to the Commiſſion Granted by this Court in May laſt, and that on the deſire of the Inhabitants of thoſe places, are appointed to be the County of* Devonſhire, *which this Court approves of and confirms;*

And do further Order and appoint, that the County Court in ſome place thereof, ſhall be holden and kept upon the third tueſday in July yearly, &c

IT is Ordered by this Court and the Authority thereof; That the Commiſſioners Court of the County of *Devon* at the Eaſt-ward, have power to end, hear, and determine all Civil Actions ariſing within that County to the value of *ten pounds*, any LAW USAGE or CUSTOME to the contrary notwithſtanding.

FINIS

Several LAWS & ORDERS Made at the GENERAL COURT Holden at Boſton the twelfth of May 1675.

And Printed by their Order,

Edward Rawſon. Secrt.

BOOK-DEBTS.

IN Anſwer to the Petition of ſeveral Inhabitants of Boſton: as alſo of other Towns in this Colony;

This Court judgeth it meet to Declare and Order, That the Law Reſtraining of Book Debts ſhall be, and hereby is lengthened for two years more from this time, any thing in that Law notwithſtanding.

The Law Reſtraining Book debts lengthned for two years.

SHEEPS-WOOL.

IT is Ordered by this Court and the Authority thereof; That henceforth it ſhall not be lawful for any perſon or perſons whatſoever, directly or indirectly to export any Sheeps-wool out of this Jurisdiction by Sea to any Forreign parts, on penalty of forfeiting all ſuch quantities, or parcels of Wooll, that ſhall be taken a board any Ship or other Veſſel with intent to tranſport the ſame; the one half to the Informer, and the other half to the publick Treaſury.

Prohibition of Sheeps-wool

And that no Maſter of any Ship or other Veſſel ſhall receive any Sheeps-wool aboard his Ship or Veſſel to be tranſported, on penalty of forfeiting the full value or worth thereof: And the Select men of every Sea-port Town are hereby required to chooſe in each Town one meet perſon Annually to inſpect this matter and execute this Order.

The penalty

RACCOON FURRS.

WHereas this Court *is Informed of the uſefullneſs of Raccoon furrs for makeing a good ſort of Hatts, for the ſupply of the Country*;

Raccoon Furrs not to be exported on penalty.

It is therefore Ordered and Enacted by this Court and the Authority thereof, that from and after *three months* after the Publication hereof, no Raccoon furs or skinns ſhall be Shipt for exportation out of this Jurisdiction upon the penalty of the forfeiture thereof, the one halfe to the Informer, the other half to the Country. And to the end that this Law may be duely executed: It is Ordered; That ſuch perſons as are Appointed to execute the Law prohibiting the tranſportation of Sheeps-wooll ſhall in like manner execute this Order.

Marſhals not to make a Deputy

IT is Ordered by this Court and Authority thereof; That it ſhall not henceforth be in the power of any Marſhal to make, conſtitute or appoint any Deputy in his place or ſtead to ſerve Attachments, or levy Executions where the ſaid Deputy is perſonally related or concerned; Nor ſhall it be lawful for any Conſtable to make a Deputy to ſerve Attachments or levy Executions in any caſe; Any Law, Cuſtome or Uſage to the contrary notwithſtanding.

FOr the better Direction and Regulating of all Clerks, Secretaries, Marſhals and Conſtables, in reference to the Granting and Serving of Executions:

Directions to Clerks, Secretary and Marſhals about Executions, &c.

It is hereby Ordered and Enacted by this Court; That all Executions ſhall be made according to the words of the Judgement, without Addition or Subſtraction; and that the Officer that grants the ſame keep upon Record the Day, Month and Year when it was granted: And that all Marſhals and Conſtables take care to ſee their return Recorded, and in caſe of Houſes or Lands taken upon Execution, it concerneth the perſon or perſons to whom they are delivered, to ſee it duely Recorded, which being done, ſhall be a legal Aſſurance of ſuch Houſes and Lands to Him and his Heirs for ever.

WHereas the Marſhals Oath requires them to make Return of ſuch Attachments as they ſerve to the Courts to which they are returnable which in many caſes is very chargeable and troubleſome:

Marſhals Directions to make return of Attachments.

It is therefore Ordered; That henceforth Marſhalls and Conſtables ſhall be obliged only to make their return upon the back ſide of the Attachment, and the ſame deliver to the Plaintiff, or his order ſealed up when demanded, giving firſt a Copy thereof to the Defendant, if he deſires it, and that no Marſhal or Conſtable ſhall be bound to ſerve any Attachment till they have their Fees paid them, which the Law allows; any LAW USAGE or CUSVOME to the Contrary notwithſtanding: And the aforeſaid Clauſe in the Marſhals Oath, relating to the Return of Attachments to the Court is hereby repealed and declared diſobliging.

Whereas

WHereas the Law requiring Conſtables to have Black ſtaves, inform them to take their ſaid ſtaff with them, when they are in Execution of any part of their Office, which in ſome caſes proves inconvenient by giving opportunity to Delinquents to eſcape: For prevention whereof, and as an Explanation of the ſaid Law:

It is hereby Declared; That it is intended that Conſtables acting from their own Authority, and by vertue of the duty of their Place and Office ſhall then alwayes take with them their Black-ſtaves in the Execution of their office: But when they ſhall act by vertue of warrant to them directed from Authority, they ſhall then be at liberty whether to carry their black ſtaff, or not.

Conſtables directions about their ſtaves

WHereas the allowing and Appointing of all Commiſſion, military Officers in this Juriſdiction, belongs properly and only to this Court by law and is found both peaceful and ſatisfactory: and inaſmuch as this Court may not be acquainted with many uſeful and fit perſons for that Service.

It is therfore hereby Ordered; That henceforth itſhall, and may be lawful for the Committee of Militia, in the ſeveral Towns where there ſhall be need to preſent the names of two or three meet perſons in their Towns for ſuch ſervice and Office to this Court for their approbation, or otherwiſe as they ſhall ſee Cauſe, *&c.*

Way for nomination of Military Officers

IN regard of the remoteneſs of the County of Devonſhire, *and there being no Magiſtrate near thoſe parts whereby it is matter of difficulty to have the County Court there kept by one of our Magiſtrate according to the Law.*

It is therefore hereby Ordered; That hereafter it ſhall, and may be lawful for the County Court of *Devonſhire* from time to time to be kept by ſuch Gentlemen as ſhall be by this Court annually Commiſſionated to that Service, *&c.*

Now and by whom the Countys Courts in Devonſhire are to be kept

FOr Explanation of the Law Title Military: Sect. 9. *In Exemption of Maſters of Ships and other Veſſels above twenty Tuns from Training:*

It is hereby Declared; That it is only intended in that Order, the exemption of ſuch Maſters as Trade and Paſſe to Forreign parts, and not of thoſe whoſe imploy of their Veſſels is in theſe parts, and near where they live upon theſe Coaſts.

Maſters of Veſſels to Train except

FINIS.

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others. W. H. W.

AT A

COUNCIL

Held in Boſton Auguſt the thirtieth 1675.

THE COUNCIL Iudging it of Abſolute neceſſity for the Security of the Engliſh, and the Indians that are in Amity with us, that they be Reſtrayned their uſual Commerce with the Engliſh, and hunting in the Woods, during the time of Hoſtility with thoſe that are our Enemies;

Do Order, that all thoſe *Indians* that are deſirous to Approve themſelves Faithfull to the *Engliſh*, be confined to their ſeveral *Plantations under written*, untill the *Council* ſhall take further Order; and that they ſo order the ſetting of their *Wigwams* that they may ſtand Compact in ſome one part of their *Plantations* reſpectively, where it may be beſt for their own *Proviſion and Defence* and that none of them do preſume to *Travaile* above one *mile* from the *Center* of ſuch their dwellings, unleſs in Company of ſome Engliſh, or in their Service near their dwellings, and excepting for gathering and fetching in their Corn with one Engliſh man, on peril of being taken as our enemies, or their Abettours: And in caſe that any of them ſhall be taken without the Limits aboveſaid, except as aboveſaid, and do looſe their Lives or be otherwiſe damnified; by Engliſh or Indians: The *COUNCIL* do hereby Declare that they ſhall account themſelves wholly Innocent, and their Blood or other dammge (by them ſuſteined) will be upon their own heads.

Alſo it ſhall not be lawful for any *Indians* that are in Amity with us, to entertain any *ſtrange Indians*, or receive any of our Enemies Plunder, but ſhall from time to time make diſcovery thereof to ſome *Engliſh* that ſhall be appointed for that end to ſojourn among them, on penalty of being reputed our Enemies, and of being liable to be proceeded againſt as ſuch.

Alſo whereas it is the manner of the Heathen that are now in Hoſtility with us, contrary to the practiſe of the Civil Nations, to execute their bloody Inſolencies by ſtealth and ſculking in ſmall parties, declining all open deciſſion of their controverſie, either by Treaty or by the Sword,

The Council do therefore Order; That after the Publication of the Proviſion aforeſaid, It ſhall be lawful for any perſon whether *Engliſh* or *Indian*, that ſhall finde any *Indian* travelling or skulking in any of our Towns or Woods, contrary to the limits abovenamed, to command them under their Guard, and Examination, or to kill and deſtroy them as they beſt may or can. The *Council* hereby declaring, that it will be moſt acceptable to them that none be killed or wounded that are willing to ſurrender themſelves into cuſtody.

The places of the *Indians* Reſidencies are *Natick*, *Punquapaog*, *Naſhoba*, *Wemeſit* and *Haſſanemeſit* And if there be any that belong to any other Plantations, they are to repair to ſome one of theſe.

By the Council Edward Rawſon Secr

Several

LAWS & ORDERS

Made at the SESSIONS of the

GENERAL COURT

Held at *Boſton* the 13*th.* of *October* 1675. As alſo at the SESSIONS of Court held at *Boſton* the 1*d.* of *November* 1675.

And Printed by their Order,

Edward Rawſon Secr.

Indians Prohibited being in Boſton.

WHereas notwithſtanding the COUNCILS former Prohibition of all Indians coming to, or remaining in the Town of Boſton, we finds that ſtill there remains ground of Fear, that unleſs more effectual Care be taken, we may be expoſed to miſchief by ſome of that Barbarous Crew, or any Strangers not of our Nation by their coming into, or reſiding in the Town of Boſton;

This Court doth therefore Order and Declare;

Firſt, That from the Publication hereof, no perſon or perſons whatever in the ſaid Town, ſhall upon any pretence whatſoever, Entertain, Own or Countenance any Indian, under the Penalty of being a Betrayer of this Government. Courts preſumation Prohibiting Indians to be in Boſton.

Secondly, That there be a Guard appointed at the end of the ſaid Town towards *Roxbury*, to hinder the coming in of any Indian, until Application be firſt made to the Governour, or Council if ſitting, and then to be admitted with a Guard of two Muſqueteers, and to be remanded back with the ſame Guard, not to be ſuffered to lodge in Town, unleſs in Priſon: Provided, that if any Indian or Indians that ſhall be imployed upon any publick meſſage or buſineſs ſhall come up to the ſaid Guard, they ſhall forthwith be conveyed to the Governour or Council, & be by him

or them diſpoſed of, and ſecured during their neceſſary ſtay for the diſpatch of their buſineſs, and then to be conveyed as aboveſaid.

Thirdly, That it ſhall be lawful for any perſon finding any *Indian* in Town without ſaid Guard, to Apprehend and Secure him.

Fourthly, That Care be taken by the Military Watch to prevent any from coming by Water to the ſaid Town, either from *Dorcheſter* or *Roxbury Neck* in Canoes, or otherwiſe, and that there be ſpecial Care taken of places where Ammunition is kept.

Fifthly, That Order be given to *Charlstown Ferry* not to Land any Indian at the ſaid Town without Order from the Governour, and then to be granted with two Muſqueteers.

Sixthly, That it ſhall be lawful for any perſon, upon any *Indians* approaching the ſaid Town, either by Water or Land, without a Guard, as aboveſaid to Apprehend and ſecure him.

Seventhly, That Account be taken of all Strangers, who are not his Majeſties Subjects, and that they remain not in Town, unleſs Security be given for their Fidelity: And that none be admitted but upon the like Security: And that no Maſter of any Veſſel bring in any without acquainting the Governour therewith and preſenting their Perſons in order to their Examination; who if upon their Examination can give no good Account of their buſineſs, and Security for their Good Behaviour, ſhall be ſent to Priſon, unleſs they do forthwith depart.

Eighthly, That it ſhall not be lawful for any Inhabitant, from the Declaration hereof, to Entertain any Stranger in his Houſe, or for time to come, till this Order be reverſed, without leave granted by Authority, upon the penalty of any Fine Authority ſhall ſee meet to impoſe; And the Commiſſioners, and the Sele& Men, and Captains of *Boſton* are Ordered and Required reſpectively to have a ſpecial Care that this Order in the ſeveral parts thereof be duely obſerved and attended.

WHereas it is found by Experience that Troopers and Pikemen are of little uſe in the preſent warr with the Indians, now for the Improvement of them to more or better Advantage:

Law requiring Troopers to furniſh themſelves with Carbines.

Three parts of Troopers liable to preſs in the Towns they live.

Pikemen to furniſh themſelves with Fire Arms.

It is Ordered by this Court and the Authority thereof; That all Troopers ſhall forthwith furniſh themſelves with Carbines and Amunition proportionable, and alſo be liable to be Impreſſed by the Committee of Militia in the Towns where they live to ſerve as foot Soldiers during the ſaid warr; Provided alwayes that one fourth part of the Troopers in each Town be reſerved for the uſe of the Country as ſuch. And all Pikemen are hereby required forthwith to furniſh themſelves with Fire Arms, and ſuch a quantity of Amunition from time to time as the Law requires Muſketeers to be furniſhed with, any LAW, USAGE or CUSTOME to the contrary notwithſtanding.

A thouſand

A thouſand Fire Arms to be ſent for.

WHereas the great neceſſity of a ſpeedy ſupply of Fire Arms, Muskets and Carbines is too apparent in this time of War with the Indians;

It is Ordered by this Court, that a Thouſand Fire Arms be accordingly procured with all convenient expedition for the uſe of the Country, Payment whereof to be made out of the publick Treaſury to ſuch Merchants as are agreed with for their procuring thereof by the Committee appointed by this Court for that end. And that the ſaid Arms ſhall be proportionably diſtributed to the ſeveral Towns of the Colony: And the Select Men of the reſpective Towns are hereby enabled to raiſe Moneys to make payment to the Treaſurer for their ſeveral Proportions.

A thouſand Fire Arms to be ſent for.

and way of paymont for them.

Committees of Militia's Power to Gariſon Towns.

IT is Ordered by this Court, That the Committees of Militia's in the ſeveral Towns throughout this Juriſdiction, they, or the major part of them, the chief Military Officer of the Town being preſent, ſhall ſettle and diſpoſe the ſeveral Inhabitants of their reſpective Towns into ſuch a poſture as ſeveral Exigenes appearing call for, and that into one or more Gariſons. All perſons in the ſeveral Towns upon penalty of *five ſhillings* per *day*, being hereby obliged to labour in, and provide ſuch Fortification or Fortifications as they ſhall agree upon; And all the Inhabitants to attend their places in ſuch Fortification or Garriſon as they are appointed unto, and in caſe of Alarm or Invaſion, to appear at and for the defence of ſuch places as by the Committee they are appointed unto: and no Inhabitant, or Souldier to leave his Station upon any imploy whatſoever, but according to Order from the chief Officer.

power of Committees of Militia to Gariſon the Towns & prevent Invaſion, &c.

2. And that the ſeveral ſmall Frontier Towns which are judged not able of themſelves to bear the diſtreſs of the War, ſhall have their Women and Children (except ſo many as are neceſſary to abide) removed unto the next Inland Towns, and be there improved for the beſt Advantage, and leaſt charge, until further Order be taken, and Souldiers added to the ſaid Towns for Garriſon as ſhall be judged neceſſary by this Court, or Council of the Common-wealth, the ſaid ſeveral Towns providing them with Victual during their abode

Committees power to Inſpect Arms in their Town as a Stock &c.

3. That the ſaid ſeveral Committees are hereby Ordered particularly to inſpect the ſeveral ſtocks of Amunition and Arms in their ſeveral Towns, and the ſame to Alter, Augment and Diſpoſe as they judge meet.

Committees of Militia's power on the Aſſeſſments for Arms.

And the Committees of Militia in the ſeveral Towns are hereby Authorized to Aſſeſs upon all ſuch perſons of Eſtate within their Towns (as are by the County Courts or Committees of Militia exempted from ordinary Trainings) ſo many Fire Arms, Muskets or Carbines, with a proportionable ſtock of Powder and Amunition, as the ſaid Committees reſpectively ſhall appoint, to be alwayes kept in their hands, to be in a readineſs for the Countries ſervice, under the like penalties as the Law provides for the Furniture of every private Souldier; and ſuch Arms from time to time are to be ſurveyed and viewed by the Clerks of the Train'd Bands in the ſeveral Towns, who ſhall upon any defect levy the ſame Fines that the Law provides for particular Companies: And all ſuch perſons as ſhall be Aſſeſſed, and ſhall accordingly provide three Fire Arms, ſhall be freed from being ſent abroad to the Wars, except in extream and utmoſt neceſſity.

Troopers to pay Rates.

Whereas Troopers are exempted from paying Head-money and Rates for their Horſes.

Troopers to pay Rates of their Heads & Horſes.

This Court judgeth it meet to reſtrein that Priviledge during this preſent War; And do Order that Troopers pay in that Caſe as others do (provided Troopers have their Priviledge for one Rate in the Year) And likewiſe the Caſtle Souldiers pay their Head-money as other men; Any LAW USAGE of CUSTOME to the contrary notwithſtanding.

LAWS & ORDINANCES OF WARRE,

Pas'd by the General Court of the Maſſachuſets, for the better Regulating their Forces and keeping their Souldiers to their Duty, and to prevent Prophaneneſs, that Iniquity may be kept out of the CAMP.

1. LEt no *Man preſume to blaſpheme the Holy & Bleſſed Trinity, God the Father, God the Son, & God the Holy Ghoſt .. upon pain to have his Tongue bored with a hot Iron.*

2. *Unlawful Oathes & Execrations, & Scandalous Acts in Derogation of Gods Honour, ſhall be puniſhed with loſs of Pay, and other Puniſhment at Diſcretion.*

3 *All thoſe who often & wilfully abſent themſelves from the publick Worſhip of God & Prayer, ſhall be proceeded againſt at Diſcretion.*

4 *Whoſoever ſhall be Convicted to do his Duty negligently & careleſly, ſhall be puniſhed at Diſcretion.*

5. *No Man ſhall preſume to Quarrel with his Superiour Officers, upon pain of Caſhiering & Arbitrary Puniſhment: nor to ſtrike any ſuch upon pain of Death.*

6. *No Commander or Souldier ſhall depart from his Charge or Captain without Licence upon pain of Death.*

7. *Every private Souldier upon pain of Impriſonment ſhall keep ſilence when the Army is to take Lodging, or when it is Marching or in Battalio, ſo as the Officers may be heard and their Commands executed.*

8. *No Man ſhall reſiſt, draw, lift, or offer to draw or lift his Weapon againſt his Officer, (correcting him orderly) for his defence, upon pain of Death.*

9. *No Man ſhall reſiſt the Provoſt Marſhal, or any other Officer in the executing of his Office upon pain of Death.*

10. *No Man ſhall utter any words of Sedition or Mutiny upon pain of Death.*

11. *They that ſhall hear Mutanous Speeches, & not acquaint their Commanders with them, ſhall be puniſhed with ſome grievous Puniſhment.*

12. *Drunkenneſs in an Officer ſhall be puniſhed with loſs of place, and in a private Souldier with ſuch Puniſhment as a Court Marſhal ſhall think fit.*

13. *Rapes, Raviſhments, Unnatural Abuſes. and Adultery ſhall be puniſhed with Death.*

14. *Fornication & other diſſolute Laſciviouſneſs ſhall be puniſhed with Diſcretion according to the quality of the Offence.*

15 *Theft, Robbery, ſhall be puniſhed with reſtitution, and otherwiſe at Diſcretion.*

16. Murder

16. *Murder ſhall be Expiated with the Death of the Murderer.*

17. *All Souldiers coming to their Colours to Watch, or to be Exerciſed, or to Service, ſhall come compleatly Armed, and them fixt upon pain of puniſhment.*

18. *If any ſhall negligently loſe, or ſinfully play away their Arms at Dice or Cards, or otherwayes, they ſhall be kept as Pioneers or Scavingers till they furniſh themſelves with as good Arms.*

19. *None ſhall preſume to ſpoil, ſell or carry away any Amunition committed unto him upon pain of Death.*

20. *No Souldier ſhall out-ſtay his Paſs without a Certificate of the Occaſion, under the hand of a Magiſtrate, upon pain of loſing his Pay.*

By grievous Puniſhment is meant Diſgracing by Caſhiering, the Strappado, or Riding the Wooden Horſe to fetch Blood.

Arbitrary Puniſhment, or Puniſhment at Diſcretion, is meant, not to extend to hazard Life or Limbe.

Guards & Gariſon Souldiers

FOR the better Regulating thoſe Souldiers that are appointed to Guard or Gariſon any particular Town or Place;

Order to regulate Guards and Gariſon Souldiers

It is Ordered by this Court; That they ſhall be under the command and diſpoſe of the chief Military Officer on the place for their improvement; whether as Scouts, Warding, Watching, Fortifying of Gariſon places, or removing and taking away that which may endanger the peace and ſafety of the people in the places, excepting only where the Major of the Regiment to which they belong, the Council or General Court ſhall otherwiſe Appoint and Order.

To ſecure the Country Arms.

WHereas divers perſons have been Impreſſed for the Service of the Country, who wanting Arms, have been ſupplied and furniſhed with the Arms and Amunition of other Inhabitants by Order of the Committees of Militia of the ſeveral Towns, to the end that the ſaid Arms may be duely returned to the right Owners, and the Country might not be unduely charged;

Order to ſecure the Countries Arms.

It is hereby Ordered; That the Commiſſioners for the War ſhall not paſs any Debenter upon the ſingle Certificate of his Captain for the time of the Service of any ſuch Souldier that hath not been ſlain in the War, without a Certificate from the Committee of Militia of that Town whence ſuch Souldier was Preſſed, that either he went out with his own Arms, or hath returned to the right Owner the Arms which he was furniſhed with.

Provoking Evils.

WHereas the Moſt Wiſe and Holy God for ſeveral Years paſt, hath not only warned us by his Word, but chaſtized us with his Rods, Inflicting upon us many general (though leſſer) Judgements; But we have neither heard the Word nor Rod as we ought, ſo as to be effectually humbled for our ſins to repent of them, reform and amend our wayes: Hence it is the Righteous God hath heightned our Calamity, and given Commiſſion to the Barbarous Heathen to riſe up againſt us, and to become a ſmart Rod, and ſevere Scourge to us, in Burning and Depopulating ſeveral hopeful Plantations, Murdering many of our People of all ſorts, and ſeeming as it were to caſt us off, and putting us to ſhame, and not going forth with our Armies, hereby ſpeaking aloud to us to ſearch and try our wayes and turn again unto the Lord our God from whom we have departed with a great Back ſliding,

with

The

Murder

1. The Court apprehending there is too great a neglect of Diſcipline in the Churches, and eſpecially reſpecting thoſe that are their Children, through the non-acknowledgement of them according to the Order of the Goſpel, in watching over them, as well as Catechizing of them, inquiring into their Spiritual States, that being brought to take hold of the Covenant, they may acknowledge and be acknowledged according to their Relations to God and to his Church, and their Obligations to be the Lords, and to approve themſelves ſo to be by a ſuitable Profeſſion & Converſation. And do therefore ſolemnly recommend it unto the reſpective Elders and Brethren of the ſeveral Churches throughout this Jurisdiction, to take effectual Courſe for Reformation herein.

Care of Children of the Church commended to the Elders.

2. *Whereas there is manifeſt Pride openly appearing amongſt us in that long Hair like Womens Hair is worn by ſome men, either their own, or others Hair made into Perewigs: And by ſome Women wearing Borders of Hair, and their Cutting, Curling, and Immodeſt laying out their Hair, which practice doth prevail and increaſe eſpecially amongſt the younger ſort.*

Courts Senſe of the ill Cuſtom of long Hair Periwigs, &c.

This Court doth Declare againſt this ill cuſtome as Offenſive to them, and divers ſober Chriſtians amongſt us, and therefore do hereby exhort and adviſe all perſons to uſe moderation in this reſpect; And further do impower all Grand juries to preſent to the County Court ſuch Perſons, whether Male or Female, whom they ſhall judge to exceed in the Premiſes; and the County Court are hereby Authorized to proceed againſt ſuch Delinquents either by Admonition, Fine, or Correction, according to their good diſcretion.

3. Notwithſtanding the wholſome Laws already made by this Court, for reſtreining Exceſs in Apparrel, yet through Corruption in many, and neglect o due Execution of thoſe Laws, the evil of pride in Apparrel, both for Coſtlineſs in the poorer ſort, and vain, new ſtrange Faſhions both in poor and rich, with naked Breaſts and Arms, or as it were pinnioned with the Addition of Superfluous Ribbons, both on Hair and Apparrel, for Redreſs whereof; It is Ordered by this Court, that the County Courts from time to time do give ſtrict Charge to preſent all ſuch perſons as they ſhall Judge to exceed in that kinde, and if the Grand-Jury ſhall neglect their duty herein, the County Courts ſhall Impoſe a Fine upon them at their diſcretion.

Exceſs in Apparrel.

And it is further Ordered, that the County Court, ſingle Magiſtrate, Commiſſioners Court in *Boſton*, have hereby power to Summon all ſuch perſons ſo offending before them, and for the firſt offence to admoniſh them, and for each offence of that kinde afterwards to Impoſe a Fine of *Ten Shillings* upon them, or if unable to pay, to inflict ſuch puniſhment as ſhall be by them thought moſt ſuitable to the Nature of the offence, and the ſame Judges above named are hereby Impowred to Judge of, and Execute the Laws already Extant againſt ſuch Exceſs.

4. *Whereas it may be found amongſt us, that Mens Threſholds are ſet up by Gods Threſholds, and Mans Poſts beſides Gods Poſts, eſpecially in the open meeting of Quakers, whoſe Damnable Hereſies, Abominable Idolatries, are hereby Promoted, Embraced and Practiſed to the Scandal of Religion, Hazard of Souls, and Provocation of Divine Jealouſie againſt his People; For Prevention and Reformation whereof:*

It is Ordered by this Court and the Authority thereof; That every Perſon found at a Quakers Meeting ſhall be apprehended *Ex Officio* by the Conſtable, and by Warrant from a Magiſtrate or Commiſſioner, ſhall be committed to the houſe of Correction, and there to have the Diſcipline of the Houſe applied to them, and be kept to work with Bread and Water for three dayes and then releaſed; Or elſe ſhall pay *five pounds* in Mony as a Fine to the County for ſuch offence: And all Conſtables neglecting their duty in not faithfully Executing this Order, ſhall incur the penalty of *five pounds* upon Conviction; one third whereof to the Informer. *And touching the Law of Importation of Quakers, that it may be more ſtrictly Executed, and none Tranſgreſſing to eſcape Puniſhment:*

It is hereby Ordered; That the penalty to that Law averred be in no caſe abated to leſs then *Twenty Pounds.*

5. *Whereas there is much Prophaneneſs amongſt us in perſons turning their Backs upon the publick Worſhip before it be finiſhed, and the Bleſſing pronounced.*

It is Ordered by this Court; That the Officers of the Churches, or Select Men, ſhall take care to prevent ſuch Diſorders, by appointing perſons to ſhut the Meeting-Houſe Doors, or any other meet way to attain the end.

6 *Whereas there is much Diſorder and Rudeneſs in Youth in many Congregations in time of the worſhip of God, whereby Sin and Prophaneneſs is greatly increaſed; For Reformation whereof;*

It is Ordered by this Court; That the Select men do appoint ſuch place or places in the Meeting-Houſe for Children or Youth to ſit in, where they may be moſt together, and in publick view; and that the Officers of the Churches or Select men do appoint ſome Grave and Sober Perſon or Perſons to take a particular care of, and inſpection over them; who are hereby required to preſent a Liſt of the Names of ſuch who by their own Obſervance or the Informatioe of others ſhall be found Delinquent to the next Magiſtrate or Court, who are impowred for the firſt Offence to admoniſh them, for the ſecond Offence to impoſe a Fine of *five Shillings* on their Parents or Governours, or order the ſaid Children to be whipt, and if Incorrigible, to be whipt with ten ſtripes, or ſent to the Houſe of Correction for three dayes.

7. *Whereas*

7. *Whereas the Name of God is prophaned by Common Swearing and Curſing in ordinary Communication, which is a Sin that grows amongſt us, and many hear ſuch Oaths and Curſes, and Conceals the ſame from Authority, for Reformation whereof*;

It is Ordered by this Court, that the Laws already in Force againſt this Sin be vigorouſly proſecuted, and as Addition thereunto;

It is further Ordered, that all ſuch perſons who ſhall at any time hear prophane Oaths and Curſes ſpoken by any perſon or perſons, and ſhall neglect to diſcloſe the ſame to ſome Magiſtrate, Commiſſioner, or Conſtable, ſuch perſons ſhall Incurr the ſame penalty provided in that Law againſt Swearers. *&c.*

8. *Whereas the ſhameful and Scandalous Sin of Exceſſive drinking Tipling, and Company keeping in Taverns and Ordinaries grows upon us, for Redreſs whereof*;

It is Commended to the Care of the Reſpective County Courts not to Licence more publick houſes then are abſolutely neceſſary in any Town, and to take Care that none be Licens t but perſons of Approved Sobriety and Fidelity to Law and good Order. And that Licenſed houſes be regulated in their Improvement for the refreſhing and Enterteinment of Travailers and Strangers only, and all Town dwellers are hereby ſtrictly Injoyned and required to forbear ſpending their Time or Eſtates in ſuch Common houſes of Enterteinment to drink and tipple upon penalty of *five Shillings* for every offence, or if poor, to be whipt at the diſcretion of the Judge, not exceed five ſtripes, and every Ordinary keeper permitting perſons to tranſgreſs as above ſaid, ſhall Incurr the penalty of *five Shillings* for each Offence in that kind. And any Magiſtrate, Commiſſioner, or Select men are Impowred and required vigorouſly to put the above ſaid Law in Ex cution.

And further, It is Ordered, that all private unlicenſed houſes of Enterteinment be diligently ſearched out, and the penalty in this Law ſtrictly Impoſed, and that all ſuch houſes may be the better diſcovered, the Select men of every Town ſhall chooſe ſome ſober and diſcreet perſons to be Authorized from the County Court, each of whom ſhall take the Charge of *Ten*, or *Twelve Families* of his Neighbourhood, and ſhall diligently inſpect them, and preſent the Names of ſuch perſons ſo tranſgreſſing to the Magiſtrate, Commiſſioner, or Select men of the Town, who ſhall return the ſame to be proceeded with by the next County Court, as the Law directs, and the perſons ſo choſen and Auahorized, and attending their duty faithfully therein ſhall have one third of the Fines allowed them, but if neglect of their Duty, and ſhall be ſo Judged by Authority, they ſhall Incurr the ſame penalty provided againſt unlicenſed houſes.

9. *Whereas there is a woful Breach of the Fifth Commandment to be found amongſt us, in Contempt of Authority, Civil, Eccleſiaſtical, and Domeſtical*:

This Court doth Declare that Sin is highly provoking to the Lord, againſt which he hath born ſevere Teſtimony in his Word, eſpecially, in that remarkable Judgements upon *Chorah* and his *Company*. And therefore do ſtrictly Require & Command all Perſons under this Government to reform ſo great an Evil, leaſt God from Heaven puniſh offeoders herein, by ſome remarkable Judgements.

And it is further Ordered, that all County Courts, Magiſtrates, Commiſſioners, Select men, and Grand-Jurors, according to their ſeveral Capacities do take ſtrict Care that the Laws already made and provided in this Caſe, be duely Executed, and particularly, that Evil of Inferiours abſenting themſelves out of the Families whereunto they belong, in the night, and meeting with Corrupt Company without leave, and againſt the mind, and to the great grief of their Superiours, which evil practice is of a very perillous Nature, and the Root of much Diſorder.

It is therefore Ordered by this Court, that whatever Inferiour ſhall be Legally Convicted of ſuch an Evil practice, ſuch perſons ſhall be puniſhed with Admonition for the firſt offence, with Fine not exceeding *Ten Shillings*, or whipping, not exceeding *five ſtripes* for all offences of like Nature afterward.

10. *Whereas the Sin of Idleneſs (which is a Sin of* Sodom *) doth greatly Increaſe, notwithſtanding the wholſome Laws in Force againſt the ſame. As an Addition to that Law.*

This Court doth Order, that the Conſtable with ſuch other perſon or perſons, whom the Select men ſhall Appoint, ſhall Inſpect particular Families. and preſent a Liſt of the Names of all idle perſons to the Select men, who are hereby ſtrictly required to proceed with them, as already the Law directs, and in Caſe of Obſtinacy, by charging the Conſtable with them, who ſhall Convey them to ſome Magiſtrate, by him to be Committed to the houſe of Correction.

11. *Whereas there is Oppreſſion in the midſt of us, not only by ſuch Shopkeepers and Merchants, who ſet exceſſive prizes on their Goods, but alſo by Mechanicks and Day Labourers, who are daily guilty of that evil, For redreſs whereof, and as an Addition to the Law* tit. *Oppreſſion*:

It is Ordered by this Court; That any perſon that Judgeth himſelf Oppreſſed by Shop keepers or Merchants in ſetting Exceſſive prizes on their Goods have hereby liberty to make their Complaint to the Grand Jurors, or otherwiſe by Petition to the County Court immediately, who ſhall ſend for the perſon accuſed, and if the Court upon Examination iudge the perſon complaining injured, they ſhall cauſe the offender to return double the overplus, or more then the equal price to the injured perſon, and alſo impoſe a Fine on the Offender at the diſcretion of the Court, And if any perſon judge himſelf Oppreſſed by Mechanicks or Day Labourers, they may make complaint thereof to the Select Men of the Town, who if upon Examination do finde ſuch Complaint juſt, having reſpect to the quality of the Pay, and the length or ſhortneſs of the Day Labour, they ſhall cauſe the Offender to make double Reſtitution to the party injured, and pay a fine of double the value exceeding the due price.

12. *Whereas there is a looſe and ſinful Cuſtomes of Going or Riding from Town to Town, and that oft times Men and Women together, upon pretence of going to Lectures, but it appears to be meerly to Drink and Revil in Ordinaries and Taverns, which is in it ſelf Scandalous, and it is to be feared*

feared a notable means to debauch our Youth, and hazard the Chaſtity of ſuch as are drawn forth thereunto; For Prevention whereof;

It is Ordered by this Court; That all ſingle perſons, who meerly for their pleaſure take ſuch Journies, and frequent ſuch Ordinaries, ſhall be reputed and accounted Riotous and Unſober perſons, and of ill Behaviour, and ſhall be liable to be Summoned to appear before any County Court, Magiſtrate or Commiſſioner, and being thereof convicted ſhall give Bond and ſufficient Sureties for the good Behaviour in *twenty Pounds*, and upon refuſal ſo to do, ſhall be committed to Priſon for *ten dayes*, or pay a fine of *forty ſhillings* for each offence.

Each Town to provide Flints.

IT is Ordered by this Court; That every Town in this Jurisdiction ſhall provide as an adition to their Town-ſtock of Amunition, ſix hundred Flints for one hundred Lifted Souldiers, and ſo proportionably for a leſſer or greater number to be conſtantly maintained and fitted for publick Service.

order regulating each Town to provide Flints &c.

Trading-Houſes with the Indians to ceaſe.

THis Court conſidering the great Abuſe and Scandal that hath ariſen by the Licenſe of Trading-Houſes with the Indians, whereby Drunkenneſs and other Crimes have been as it were ſold unto them.

It is Ordered by this Court; That all ſuch Trading-houſes from the Publication hereof ſhall wholly ceaſe, and none to preſume to make any ſale unto them, except in open Shops and Towns, where Goods are ſold unto the Engliſh, upon the penalty of *ten pounds* for every Conviction before lawful Authority, one third to the Informer, the remainder to the Country, any Law, Uſage or Cuſtome to the contrary notwithſtanding.

Powder Mill

THis Court having Ordered two Watch-men from Dorcheſter and Milton to Watch at Dorcheſter Mill, and underſtanding the Undertakers of the Powder Mill for better defence thereof are erecting a ſmall Stone Watch-Houſe at their own Charges; on their Requeſt, as being of publick concernment:

This Court Declares; That the Undertakers of the Powder Mill may repair to any one Magiſtrate, who by the Law are impowred to give Warrant to Impreſſe Workmen to carry on Publick Works of which ſort this is.

Relief for the Diſtreſſed.

THis Court Conſidering the Inconvenience and Damage that may ariſe to particular Towns, by ſuch as being forced from their habitations through the preſent Calamity of the Warr, do repair unto them ſo ſuccour.

Order for relief of the diſtreſſed

Do Order and Declare, (that ſuch perſons being Inhabitants of this Jurisdiction) who are ſo forced from their habitations, and repair to other Plantations for Relief, ſhall not by virtue of their Reſidents in ſaid Plantations they repair unto, be accounted or reputed Inhabitants thereof, or Impoſed on them, according to Law, Title, Poor; But in ſuch Caſe, and where neceſſity requires, (by Reaſon of Inability of Relations, &c.) they ſhall be ſupplied out of the publick Treaſury. And that the Select men of each Town Inſpect this matter, and do likewiſe careſully provide that ſuch men or women may be ſo Imployed, and Children Diſpoſed of that as much as may be, publick Charge may be evoyded.

No Indians to go off the Iſland where placed without leave.

WHereas this Court have for weighty Reaſons placed ſundry Indians (that have Subjected to our Government) upon ſome Iſlands for their and our Security;

No Indians to Go off the Iſlands where plact. without leave, and on pain of death

It is Ordered; That none of the ſaid Indians ſhall preſume to go off the ſaid Iſlands voluntarily upon pain of Death; And it ſhall be lawful for the Engliſh to deſtroy thoſe that they ſhall finde ſtragling off from the ſaid places of their Confinement, unleſs taken off by Order from Authority, and under an Engliſh Guard. And it is ſmther Ordered; That if any perſon or perſons ſhall preſume to take, ſteal or carry away either Man, Woman or Childe of the ſaid Indians off from any the ſaid Iſlands where they are placed, without Order from the General Court or Council, he or they ſhall be accounted Breakers of the Capital Law Printed and Publiſhed againſt Man-ſtealing; And this Order to be forthwith Poſted and Publiſhed.

Like Penalty for ſuch as take, or Carry off the Indians without leave

How much allowed Labourers that work for the Souldiers.

THe Council having Ordered the Select men in each Town to Impreſſe men to help Inn the Corn of ſuch Men that are Impreſſed and Abſent from home in the Country ſervice, but having fixed no Rate how much per day *ſhall be allowed ſuch Labourers;*

Fourteen pence per day allowed ſuch as wrought for the Souldiers, &c.

This Court doth Order, they ſhall be allowed *one ſhilling ſix pence* per day, in pay as the Country Rate is paid; Provided it appear they have done a ſufficient dayes work.

Wheat

Wheat and Flower prohibited Importation.

THis Court conſidering the preſent State of Affairs amongſt us reſpecting the Indian War, and what hindrances the ſame may be to the raiſing ſupplies of Proviſions amongſt our ſelves;

Judge meet that the Law prohibiting Importation of *Wheat, Bisket,* and *Flower, pag. 106.* be ſuſpended as to the particulars above mentioned, until this Court take further Order.

Law prohibiting Importation of Wheat &c. ſuſpended &c.

Colledge Officers to pay Rates.

It is Ordered by this Court, that the Officers and Servants of the Colledge, or of any Court that are by Law or Cuſtome exempted in their perſons or Eſtates from publick Services, and Country Rates ſhall be liable to be Rated in the Levy made for the payment of Debts for the preſent war, and to ſerve in their own perſons as their Neighbours do in the Town where they dwell, Provided the Corporation of the Colledge be excepted, and likewiſe, that what is hereby advanced to the Country Rate, care may be taken, that it comes into the publick Treaſury, and not to the particular Town Advantage where ſuch perſons Dwell.

Colledge Office to pay Rates this war

Exportation of Proviſions prohibited.

THis Court Conſidering the great danger of a Famine, or at leaſt a Scarſity of Bread, and other Proviſions, by Reaſon of this warr, (if the Lord graciouſly prevent not.)

Do hereby ſtrictly prohibit the Exportation of all Sorts of Proviſions (except Fiſh and Mackerel) out of this Juriſdiction upon any pretence whatſoever, (victualling of Ships or Veſſels excepted) and Captain *James Olliver* and *Lieutenant Thomas Brattle* are Appointed by this Court to inſpect the ſame, and to make Seizure of all ſuch Proviſions as ſhall be loaden Contrary to this Order for Exportation; to be forfeited, one fourth part to the perſons ſeizing, the remainder to the uſe of the Country, and this Order to ſtand in force till the General Court or Council ſhall ſee juſt Cauſe to revoke it, Provided the Council may give liberty to any perſon, if they ſee Cauſe.

IT is Ordered, that all ſuch perſons that have already quitted their habitations at *Mendon*, and do not forthwith return, or ſhall hereafter leave their habitations, licence not being firſt obteined from the General Court or Council, they ſhall forfeit their Intereſt in the place to the Country for the defraying of the Charge of the Garriſon Souldiers.

Diſburſements to be ſettled.

Account for diſburſements for Arms, Horſes &c to be ſettled by the Committees of Militia in each Town.

IT is Ordered, That the Committees of Militia in the ſeveral Towns ſhall hear, detetmine, and ſettle the whole Accounts of the ſeveral Towns reſpecting all diſburſements of Arms, Amunition, horſes furniture, Proviſions, *&c.* not exceeding *three pounds* for a horſe, and as near as may be proportioning the Accounts of all diſburſements, whoſe Bills to the Treaſuter, or Committee of that Affair ſhall be paid, when the Aſſeſsments are Come in raiſed upon that Account.

FOR prevention of the charge and trouble of Tranſportation of the Rates to be levied to the Treaſurer of the Country, as alſo matter of conveniency therein appearing;

It is Ordered; That Bills for Wages, Horſes, Proviſions, &c. being regularly paſſed to the ſaid Treaſurer, the Treaſurer upon the deſire of perſons concerned ſhall repaſs Bills to the Conſtables of ſuch Towns where Sums are due upon the aforeſaid Accounts.

FOraſmuch as the preſervation of the Graine both Indian and Engliſh in this Colony is of great neceſſity, and the ſcituation of our Inhabitants in the ſeveral Towns, being in ſo ſcattering and remote a condition, as that there can be no ſecurity from the Enemy of the Graine inned in the Barns of the Sveral Inhabitants;

Order for the ſecuring of the Graid that is Inned &c.

It is Ordered by this Court; that there be effectual care forthwith taken by the ſeveral Militia's and Select Men of the Towns for the ſecuring the ſaid Graine by removing it within the Command of the Gariſon or Gariſons of the reſpective Towns, ſo as that the Enemy may not be able at pleaſure to deſtroy it or furniſh themſelves with it.

FINIS.

Several

LAWS & ORDERS

Made at the

GENERAL COURT

Held at *BOSTON* the 21ſt. of *February*, 1675.

And Printed by their Order,

Edward Rawſon, Secr't.

Majors Liberty to Purſue the Enemy.

WHereas the *Law* tit: Military, Sect. 11. *enjoins that no Major of any* Regiment *ſhall March with his* Regiment *out of the County wherein he hath Command, nor cauſe any part thereof ſo to do without* Order *from the* General Court, Council or Major General, *except it be in purſuit of the Enemy upon a Rout*

Majors of Counties at liberty to purſue the Enemy

This Court doth Order; That during theſe Wars, and till this Court take further Order, it ſhall be in the liberty of the Major of each County

or any Inferiour Commiſſion Officer who hath command of any Company or Party of men to go out of their own proper County for Engaging, Purſuing or Deſtroying the Enemy; ſo as they act not contrary to particular Order from Superiour Officers or Authority.

Troopers Exempted from Impreſſe.

Troopers exempted from impreſs

WHereas by a late Order, the Troopers were made liable to be Impreſſed by Foot Souldiers, at ſuch time as it was ſuppoſed there would be little uſe of them againſt the Indians, *who are found by experience to be very ſerviceable and neceſſary, and have been imployed in a full* proportion *to the Foot*;

It is hereby Ordered that that part of the Order concerning Troopers be Repealed.

Volunteers to be under the Martial Laws.

Volunteers under the Martial Law.

WHereas there are Complaints, *that ſuch Perſons who liſt themſelves Volunteers in the Countries Service, do eſteem themſelves from under that command which is neceſſary for the ſecurity of the Country*;

It is therefore Ordered by this Court; That all ſuch Perſons ſo liſting themſelves ſhall be ſubject to all ſuch Martial Laws as are or may be provided for the well ordering of the Forces of this Juriſdiction.

Guards & Gariſons.

WHereas there is obſerved a great neglect of the Execution of the Law lately made, tit. Guards and Gariſon Souldiers:

Addition to the Law tit Guards & Gariſons

It is Ordered by this Court; That the ſaid Law be carefully (by the Committee of Militia, who are hereby Impowred in that reſpect, or chief Officer in each Town) put in Execution, and in particular, that daily care be taken, that a conſiderable part of the Souldiers by turns, in the ſeveral parts of the Reſpective Towns, be improved in Scouting and Warding to prevent the Sculking and Lurking of the Enemy about the ſaid Towns, and to give timely notice of approaching Danger: And alſo that the Bruſh in High-wayes and other places (judged neceſſary) be cut up; And that ſuch Perſons, Youths, &c. as are not in the Roul of the Traind Bands (except ſuch as are in publick place exempted by Law) be under Obligation to attend Command for that ſervice, on penalty of five ſhillings per day for neglect.

Bruſh to be out up & cleared

No Guns to be diſcharged at breaking up the Watch on penalty of 10 ſhill.

And it is further Ordered; That the breaking up of the Watch be not till the riſing of the Sun, at what time the Scouts are to ſet forth; and that no Gun ſhall be then fired on penalty of ten ſhillings for each offence, theſe fines to be levied by the Clerk of the Band by Warrant from the Committee of Militia or chief Officer, who if they ſhall be convicted of neglect

neglect of their duty concerning any of the Premiſes, they or he ſhall be fined ten pounds to the Publick Treaſury.

UPon Conſideration of many Sculking Indians about our Plantations, doing much miſchief and damage; And that a probable way for their Surprizal is by Scouting in ſmall Parties; for Encouragement thereof;

This Court doth Order; That every Perſon or Perſons, that ſhall ſurprize, ſlay, or bring in Priſoner any ſuch *Indian* on the ſouth ſide of *Paſcataqua* River, he or they ſhall be allowed three Pounds per head, or the Priſoners ſo taken, making it appear to the Committee of Militia of that Town to which they are brought.

three pounds per head allowed to all taking Indians Priſoners ſlaying them

FINIS

Several
LAWS & ORDERS
Made at the
GENERAL COURT,
Held at Boston for ELECTION the 3d. of May 1676
And Printed by their Order,

Edward Rawson Secr.

WHereas the preſent Warr neceſſarily calls forth ſundry men into the Country Service, whoſe Imployment and Livelyhood Conſiſts in Huſbandry, the promoting whereof in our Reſpective Towns for the Raiſing of Corn and Proviſions, is of great Neceſſity for our Subſiſtance.

It is therefore Ordered by this Court; That the *Select men* of the Reſpective Towns do take Effectual Care, and are hereby Impowred to Impreſs men for the management and Carrying on of the *Huſbandry* of ſuch perſons as are called off from the ſame into the Service, who have not ſufficient help of their own left at home to manage the ſame, who ſhall be allowed *Eighteen Pence* a day for their ſaid work, to be paid by the Reſpective perſons for whom they work. Provided is do not appear that

Order Impowring the *Select men* to hire ſuch as ſhall manage the Huſbandry of thoſe in the Service.

Eighteen Pence P. day for their wages, &c.

any perſons Imployed have been unfaithful in their Labour, in which Caſe the *Select men* ſhall have Power to deduct from their wages ſuch Proportion as they ſhall ſee meet.

Souldiers refuſing to make Appearance, and ſerve the Country Foot Souldiers to pay four Pound. Troopers ſix Pound.

THis Court taking into Conſideration the great Diſappointment the Country hath ſuffered by Reaſon of non-Appearance of Souldiers Impreſſed for ſeveral Expeditions.

Do Judge meet that every perſon Impreſſed as a Souldier for the Service of the Country, and neglecting to make his Appearance according to Order, every ſuch *Foot Souldier* ſhall pay the Summe of *four Pounds*, and every *Trooper* ſhall pay the Summe of *Six Pounds*, and if their neglect or refuſal be Accompanied with *Refractorineſs, Reflection*, or *Contempt* upon Authority, ſuch perſons ſhall be puniſhed with Death, or ſome other grievous puniſhment.

And the *Committee* of *Militia* in the ſeveral Towns where the Offence is Committed, are hereby Impowred and Required to call before them all ſuch as ſhall be Delinquents as is above expreſſed, and on Conviction of there neglect to give Warrant to the Conſtable to Levy the ſaid Fines, which ſaid Fines ſhall be Improved to purchaſe Arms for the Towns uſe: Provided it ſhall be in the power of the *Council* upon Petition of any Perſon agrieved, and juſt Reaſon Alleadged and proved to make Abatement of the ſaid Fines as in their wiſdome and Diſcretion they ſhall Judge meet;

And it is hereby Ordered that the Return of all Neglects and Defects in the Caſes aforeſaid be ſent to the *Committee* of *Militia* in the ſeveral Towns, who are hereby required to take Care for the ſtrict Execution hereof.

Order declaring the duty off ſuch as Remove to be the ſame with the Inhabitants.

THis Court being Informed that ſundry perſons who through the Calamity of the Warr are forced to remove to other places, do Account themſelves free from Duty in thoſe places.

Do Order that all ſuch perſons ſo Removing ſhall ſtand in Reſpect of Charges and Duty to the publick in the ſame Capacity with the proper Inhabitants amongſt whom they make their Abode or Reſidence.

Stated price for Horſe Hire in their Service Eighteen Pence per Week.

WHereas it appears in the Bils of Diſburſements ſtated by the Militia of the ſeveral Towns, and Tranſmitted to the Treaſurer, there is a great Diſproportion between Town and Town in the Prices ſet for the Hire of Horſes in the Countries Service, for the preventing the like Inconvenience for the Future.

It is Ordered; That the ſtated price for the Hire of a Horſe for the Countryes uſe ſhall be *one Shilling ſix pence* in mony *per Week* throughout this Jurisdiction.

For the Preſervation of the Frontier Towns:

IT is Ordered; That each of the ſaid Towns be by the *Committee* of *Militia* divided into ſo many parts as a meet Number, may each day by Turns

Turns be ſent forth upon the *Scout*, with whom a party of *Indians* at the Charge of the Country ſhall be joyned, that the ſaid *Scouts* be Conſtantly managed by a ſuitable Commander in each of ſaid Towns Appointed by ſaid *Committee*, who ſhall be paid his wages by the Country, and for the Encouragement of ſaid Towns, and more Effectual Carrying on of this work, that the Souldiers abroad in Service appertaining to ſaid Towns be returned home, and they freed from the *Impreſs* during their Attendance to the Service aboveſaid, for their own, and the Countries Defence. And that the *Frontier Towns* be Accounted *Meadfield, Sudbury, Concord, Chelmsford, Andover, Haveril, Exiter*, and for their further Security.

Courts Order, as to Frontier Towns, &c.

It is hereby Declared to be the Duty of every chief Commander or Officer preſent in any Town upon notice given him of any Aſſault, or Diſtreſs of any Neighbour Town to ſend forthwith what Aid can be ſpared with Safety at home for the Security of the Diſtreſſed..

THe Court being Informed of the Difficulty the Town of Salem *meets withal, to finde perſons that will ſerve in the Conſtables Office, by Reaſon of the ſmalneſs of the Fine Impoſed by Law on ſuch as do refuſe.*

It is Ordered by this Court that it ſhall be Lawful for the ſaid Town henceforth to Impoſe a Fine of *Ten Pounds* upon ſuch as do refuſe to ſerve in the Office of a Conſtable there, any Law to the Contrary notwithſtanding.

Town of Salem enabled to Impoſe Ten Pounds Fine on thoſe that Refuſe to ſerve as Conſtable.

IN Anſwer to the Petition of John Beaudon *a wounded Souldier for relief, their being many in like nature that ſtands in like need.*

The Court Judgeth it meet to Appoint Mr. *Edward Ting*, Mr. *Joſeph Dudley*, *Capt. Hugh Maſon*, and Mr. *William Parkes* to be a ſtanding Committee to Conſider of Petitions of this Nature, and make their Report of what they Judge meet to be done therein to this Court, and this Committee to Continue till the Court take further Order.

Committee to Conſider of wounded Souldiers Petitions &c.

WHereas by the late Law probibiting Trading Houſes and Trading with the Indians except in open Shops and Towns where Goods are ſold unto the Engliſh, Advantage is given to perſons by that Exception to Carry on a Voluntary Trade with the Indians, which may prove of dangerous Conſequence to the publick Weal.

It is therefore Ordered by this Court and the Authority t' ereof, That all Trade with the *Indians* be prohibited & for the Future, it is hereby prohibited that no perſon whatſoever within this Jurisdiction, preſume to Trade with any *Indian*, or *Indians*, directly, or Indirectly, by themſelves or others; Any Commodity whatſoever upon Penalty of Forfeiture of their whole Eſtates for each Offence, being Convicted thereof before lawful Authority, one third to the Informer; and the Remainder to the Country; Provided that this Law do no way prohibit the neceſſary ſupply and Relief to ſuch *Indians* and their Families as are by Order Imployed in the Countries Service, or as are otherwiſe under the ſpecial Care and Inſpection of Authority; So that ſuch Supply and Relief to theſe *Indians* be made as the *Court* or *Council* ſhall allow, or if no Eſtate, then to be baniſhed upon pain of Death. And that by ſuch as are under the ſpecial Care and In-

Order prohibiting Trade with the Indians on Penalty of Confiſcation of Eſtate or Baniſhment, &c.

ſpection of Authority, between ſuch as being peaceably diſpoſed do come in, (and being Appointed the place) do live within the view, and under the Eye, and Protection of the *Engliſh*.

WHereas there are diſtracted perſons in ſome Towns that are Unruly, whereby not only the Families wherein they are, but other ſuffer much mage by them.

Select men Power to take Care for the Diſtracted

It is Ordered by this Court and the Authority thereof; That the Select men in all Towns where ſuch perſons are, are hereby Impowred and Injoyned to take Care of all ſuch perſons that they do not Damnifie others. And alſo to take Care and Order the Management of their Eſtates in the Times of their Diſtemperature, ſo as may be for the good of themſelves and Families depending on them; And the Charge to be paid out of the Eſtates of all ſuch perſons where it may be had, otherwiſe at the publick Charge of the Town ſuch perſons belong unto.

THis Court Conſidering the great Inconveniency that will Enſue if perſons be left at Liberty to withdraw from the Frontier Towns that are yet ſtanding out, thereby Enfeebling the Remote parts of the Country, and tending to the Damage of the whole,

Committees of Militia Power in each Town

Do therefore Order; That it ſhall not be in the Liberty of any perſon whatſoever, who is by Law Injoyned to *Train, Watch, Ward*, or Scout, to leave the Town he is an Inhabitant of, upon any pretence whatſoever, without Liberty firſt obteined from the *Committee of Militia* in the Town to which he doth belong, or in Caſe of their denyal, then by the *Council* of the *Common Wealth*, upon *the penalty of Twenty Pounds*; except within one week after they be required by the *Committees of Militia* to return to their Station, they ſhall accordingly Return, which Summe of *Twenty Pounds* upon Certificate from the *Committees of Militia*, to the *County Court* of that Shire, or to any two Magiſtrates, ſhall by their warrant be forthwith Levyed upon the Eſtates, or for want thereof upon the perſons of ſuch Delinquents to be diſpoſed of, either to ſuch as will Come unto the ſaid Town, to ſtrengthen them, or towards the bearing the Charge of the Warr; Or otherwiſe, as thoſe that ſtand it out ſhall ſee meet.

And it is further Ordered; That no perſon capable to Aſſiſt in ſecuring the Garriſon he belongeth to, ſhall abſent himſelf by going out of Town without acquainting of, and Liberty obteined from the Commander of ſaid Garriſon, upon Penalty of *five ſhillings* for each Offence in that kind, that ſo the danger to which the Garriſons in the Reſpective Towns are expoſed too by frequent abſence of ſuch as are for the Defence of them may be prevented.

FINIS.

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others. W. H. W.

At A GENERAL COURT

Held at Boston May the 3d, 1676

FOr the preventing of Injuſtice, and Inequality in the diſcharge, and payment of Diſburſements made by any particular perſons, or Towns for the Carrying on this preſent Warr.

It is Ordered by this Court, that a Committee ſhall be Choſen in each County, to Examine the Rates put upon all manner of things uſed or Expended for the Publick, and to View the particular Bils allowed by the Militia of each Town for Expences, until the firſt of this Inſtant. And ſo farr as they judge right and equal to paſs the ſame under their hands. And the Committees aboveſaid are hereby Ordered to Chooſe one man from among themſelves, in every of the Countyes, who ſhall meet at Boston the firſt fourth day in July next, and bring with them the Accounts allowed and paſſed in the ſeveral Countyes, where, and when their work ſhall be to Compare them together, and ſo to Regulate the whole, as to them ſhall ſeem moſt juſt & equal, whoſe Act being by them given under their hands to the Treaſurer, ſhall be a ſufficient warrant for their allowance in payment of the Country Rate.

The names of the ſeveral Committees are,

For Suffolke, Capt. Fiſher, Deacon Parkes, Mr. Stoddard.
For Eſſex, Major Appleton, Mr. Bartholomew, Enſ. Fuller.
For Middleſex, Capt. Hommond, Leiut Johnſon, Mr. Joſeph Cook.
For Norfolke Mr. Dalton. Enſ Buſwil, Leiut. Brown.
For Hampſhire, Capt Holliock, Leiut. Clarke. Deacon Tilton.

Several

LAWS & ORDERS

Made at the first SESSIONS of the

GENERAL COURT

for ELECTIONS

Held at Boston in New-England

May 23*d.* 1677.

Printed and Published by their Order,

By Edward Rawson Secr't.

THIS *COURT being desirous to prevent all occasions of Complaint referring to the Prophanation of the SABBATH; And as an Addition to formes LAWES;*

Do ORDER and Enact, that all the Lawes for Sanctification of the Sabbath, and preventing the prophaning thereof, be twice in the *year viz.* in *March* and *September* publickly Read by the *Minister* or *Ministers* on the *Lords daye* in their several respective *Assemblies* within this Jurisdiction; and all people by him Cautioned to take heed to the observance thereof. And the Select men are hereby Ordered to see to it that there be one man appointed to inspect the

Order to prevent profanation of the Sabbath.

ren Families of their Neighbours. which Tithing man or men ſhall and hereby have power in the abſence of the Conſtable to apprehend all Sabbath-breakers; diſorderly Tiplers, or ſuch as keep Licenſed Houſes, or others that ſhall ſuffer any diſorder in their Houſes on the Sabbath-day or evening after, or at any other time, and to carry them before a Magiſtrate or other Authority, or commit to Priſon, as any Conſtable may do; to be proceeded with according to Law.

A Cage to be Erected.

And for the better putting a reſtraint and ſecuting Offenders that ſhall any way tranſgreſs againſt the Laws *tit.* Sabbath, either in the Meeting Houſe, by any abuſive Carriage, or misbehaviour, by making any noiſe, or otherwiſe, or during the day time, being laid hold on by any of the Inhabitants, ſhall by the ſaid perſon appointed to inſpect this Law, be forthwith carried forth and put into a Cage in *Boſton* which is appointed to be forthwith by the Select Men ſet up in the Market place, and in ſuch other Towns as the County Courts ſhall appoint, there to remain till Authority ſhall examine the perſon offending, and give order for his puniſhment, as the matter may require according to the Laws relating to the Sabbath.

QUAKERS-MEETINGS.

Addition to the Lawes againſt Quakers meeting

AS *an Addition to the laſt Law relating to Quakers meetings.*

The Conſtables of every Town, are hereby Required to make diligent Search in their reſpective Townes, eſpecially on the *Lords day*, in all ſuſpected places and houſes, and where they know, or may be informed that any *Quakers* are mett to Celebrate their Irregular and prohibited worſhip, and are hereby Impowred to break open the doore where they are denyed peaceable entrance, and ſuch perſons as ſhall be found at ſuch meetings, ſhall be apprehended and proceeded with and puniſhed as the Law provides in that caſe; and every Conſtable neglecting his duty herein, and being Legally convicted thereof, ſhall forfeit the ſumm of *forty ſhillings* to the uſe of the County; And for all ſuch perſons that ſhall be preſented or complained of for abſenting themſelves from the publick allowed worſhip of God on the Lords days, and will not ſo much as affirme they were there, or neceſſarily abſent by the providence of God, it ſhall be adjudged a conviction of the breach of the Law. and puniſhed accordingly.

ADMINISTRATIONS.

Adminiſtrations to be granted to the eſtate of perſons dying

IT is Ordered by this Court, and the Authority thereof, That when any perſon Dyeth *Inteſtate*, whoſe Eſtate is *Inſolvent*, and not ſufficient to ſatisfie the ſeveral Creditors, and upon information thereof given to the Court of that County, the ſaid Court ſhall grant Adminiſtration as the Law directs, and Impower Commiſſioners to receive and examine the Claimes of the ſeveral Creditors, and

and give notice by poſting up a Paper in the moſt publick place in *Boſton*, and in the Town where the perſon lived, and in the three next adjacent Towns, that all perſons concerned may come and make their Claims, and prove their Debts within twelve Months after publication at fartheſt (unleſs upon occaſion the County Court ſee cauſe to give further time) before the ſaid Commiſſioners, and ſuch as they ſhall finde clear and unqueſtionable Debts, to receive and allow them, and ſo the ſaid Court ſhall make a juſt and equal diviſion to all the Creditors according to their ſeveral proportions ſo far as the ſaid Eſtate will extend unto And whatſoever Creditor ſhall not come in within the time limited as aforeſaid to chalenge and prove his Debt, he ſhall be debarred from any part of his or her ſaid Debt, unleſs ſuch perſon afterward can finde ſome other Eſtate of the Deceaſed not found out before, and put into the Inventory: And any Eſtate of like nature now depending, and not fully iſſued by an equal Diviſion among all the Creditors, according to their proportions, ſhall be ſettled according as this order directs, any proceedings or actings in any Courts or otherwiſe to the contrary notwithſtanding. *How to be divided*

In-keepers Liberty.

FOR *the advancement of the Countries Commodities*;

It is Ordered by this Court and the Authority thereof, that all Retailers of Strong Beer, being Licenſed thereto, ſhall have liberty to ſell ſtrong Beer above two pence *per* quart, provided they put in of Barley Malt proportionable, *viz.* Beer at *three pence* per *quart* three buſh ls of Malt to a Barrel; at *four pence* per *quart* four buſhels to a Barrel, any Law, Uſage or Cuſtome to the contrary notwithſtanding. Inkeepers liberty to retail Beer at 2 pence, 3 pence 4 pence a quart on condition

Musketiers to provide Snapſacks.

AS *an Addition to the Law* tit. Military *Sect. 7. requiring Pikemen to provide Snapſacks, and being wholly ſilent as concerning Musketiers*;

This Court do Declare that Musketiers are alike required to provide Snapſacks with their other Amunition that Law expreſſeth. Musketiers to provide with Snapſacks

Indians to be ſettled in four Plantations.

WHereas *after this time of Trouble and War with the Indians, the well-ordering and ſettlement of thoſe that remain, and are under Command, is a matter of great concernment to the peace and ſecurity of the Country, and the welfare, civilizing, and good education of the ſaid Indians and their Children*; Order to ſettle our Neighbour Indians in four Plantations

It is hereby Ordered and Enacted, that all ſuch Indian Children or Youths that are ſettled or diſpoſed by order of Authority, or with their

Parents or Relations conſent to any of the Engliſh Inhabitants within this Juriſdiction, ſhall ſo remain with them as Servants; and to be taught and inſtructed in the Chriſtian Religion, until each of them attain to the age of twenty four years; except by ſpecial contract it be otherwiſe provided: And for ſuch Indian Children Youths or Girls, whoſe Parents have been in Hoſtility with us, or have lived among our Enemies in the time of the War, and were brought in by force, and given or ſold to any of the Inhabitants of this Juriſdiction, ſuch ſhall be at the diſpoſal of their Maſters or their Aſſignes: Provided they be inſtructed in Civility and Chriſtian Religion; And for all other Indians that are admitted to live within this Juriſdiction, as well ſuch as are called Praying Indians as well as others, they ſhall be reduced to Inhabit in four places for the preſent, *Natick*, *Punckepaug*, *Haſſanemeſit* and *Wameſit*, and within the limits of thoſe Townſhips, as they are granted to them by the General Court, where they may be continually inſpected, and from time to time ordered and governed by ſuch as this Court or Council ſhall appoint: And when they are once ſettled as aforeſaid, a Liſt to be taken of all the Men, Women and Children of the ſeveral Companies once a year at leaſt, and kept upon Record with a ſtrict charge and prohibition upon the penalty of the diſpleaſure of this Court, not to receive or entertain any ſtranger or forreign Indian or Indians into their ſociety without the knowledge or approbation of Authority; and that the Indians about *Paſcataqua*, ſhall be ſettled about *Quechecho* as ſhall be further Ordered by the Council; and all other Laws and Orders relating to the Indians and made ſince the War began, as to their confinement to this or that place, or giving liberty to any to take or kill any of them found without the limits appointed are hereby repealed and declared void.

Law to kill our Indians out of their limits, repealed

Indians Liberty.

FOR the prevention of all inconveniences that may fall out by the ſetting of the Indians at liberty, to be freed from any fears of being ſhot, found out of their limits;

It is hereby Ordered, that all Neigbour Indians and Friends though at liberty to hunt, &c. yet carrying their Guns with them into the woods and not eaſily diſcovered whether friends or not, ſhall and hereby are enjoyned on the ſight of any Engliſh perſon, or being called unto, ſhall immediately lay down his Gun and leaving it, repair to the ſaid Engliſh perſon, and make it out by his certificate from ſome perſon in Authority of his name, and place of aboade, and liberty, as aforeſaid, or otherwiſe, ſhall be liable to have his Gun took from him, and to be looked at as an Enemy; nor ſhall any Indian on this ſide *Merrimack River* have liberty to travail the woods with their Guns without a Certificate from Major General *Daniel Deniſon*, or Major *Daniel Gookin*, or on the other ſide of *Merrimack* without like Certificate from Major *Richard Waldern*.

Order to prevent inconveniencies by Indians liberty to travail the woods with their Guns.

Not to go without certificates

Book

Book-Debts.

IN *Anſwer to the Petition of ſundry the Inhabitants of Boſton, humbly deſiring that the Law reſpecting Book-Debts be repealed,* &c.

It is Ordered, that the Law reſpecting Book-Debts ſhall be and hereby is ſuſpended for three years longer from this time.

Law about Book Debts ſuſpended for 3 years

Double Cuſtome for all Wines, Brandy & Rum.

IT is Ordered by the Authority of this Court, that the Cuſtome of all Wines, Brandy and Rum Imported into this Juriſdiction ſhall be doubled from henceforth to what hath been paid.

Double Cuſtome for all Wines, Brandy and Rum

Priſes of Horſes to the Country Rate.

WHereas it is manifeſt that the priſes of Horſes is much fallen to what they formerly were, and yet by Law are to be Rated at five pounds per Horſe;

It is therefore Ordered by this Court and the Authority thereof, that henceforth all Horſes and Mares from three years old and upwards, ſhall be Rated at three pounds in a ſingle Country Rate; between two and three years old at forty ſhillings; and between one and two years old at twenty ſhillings: any Law, Cuſtome or Uſage to the contrary notwithſtanding.

Priſes of horſes to the Country rate

Priſes for Diſburſements.

THis Court doth Order, That all diſburſements (ſince the firſt of *May* 1676 relating to the Indian War) according to their ſeveral ſpecies, ſhall be reduced to the priſes or valuation hereafter expreſſed *viz.* that the priſes and payments of all things referring to the premiſes to be at the Country Rate price.

To Billeting of Souldiers, viz. one man per week, five ſhillings four pence.

To proviſion for Souldiers out, i.e. one man per week, five ſhillings four pence.

The Souldiers Billeting or proviſion out, as aforeſaid from the date of theſe preſents, per week five ſhillings.

To Billeting Souldiers by the meale, not exceeding

ceeding two dayes, after two meales a day, six-pence per meale.

To loss & damage of Armes and furniture as the Committees of militia in the several Towns shall value, at a just and equal price.

To a Horse at grass a day and a night, not exceeding two dayes at a time, four-pence.

Stated prises for all disbursements about the War.

To a Horse at grass one week, one shil. six-pe.

To a Horse at dry meat a day & night, not exceeding two dayes at a time, six-pence

To one Horse a week at dry meat, two shill.

To a Horse hire by the week, two shillings.

To a Horse hire for a day or two, not exceeding four dayes, six-pence per day.

To Horses Impreſt as Dragoons, to be paid as Troopers horses.

To Posts as the Law directs.

To Provisions of all sorts, as Bread per hundred: Beef, Pork, by the barrel &c. at the current prizes they are sold at the time they are taken up, to be paid in money.

To Horses lost as the Law directs.

To carting, four oxen & a man, five shil. p. d.

To a man with three Horses & a cart at five shillings per day, and so prportionable.

To Amunition, powder two shillings p. pound musket bullets eight pence per score, and small shot proportionable.

To Ferriage of Souldiers & horses half price

To Oates according to two shil. per bushell.

Pro

Provided the Billets of Souldiers in particular places, be allowed by the Committee for the Warr: and that the allowances for Ferriage concerning ſome few particular perſons, be ſuſpended to further Conſideration.

And that all Bills Signed and allowed by the Committee of Militia of the reſpective Towns according to theſe Rates, ſhall be accepted and payed by the Treaſurer.

FINIS.

Several

Laws and Orders

Made at the ſecond Seſſions of the

GENERAL COURT

Held at BOSTON October. 10th. 1677.

And publiſhed by Order thereof,

Edward Rawſon Secr'.

WHereas many ſecret attempts have been lately made by evil-minded perſons to ſet fire in the town of Boſton, *and other places, tending to the deſtruction and devaſtation of the whole; this Court doth account it their duty to uſe all lawfull means to diſcover ſuch perſons, and prevent the like for time to come:*

Be it therefore Ordered and enacted by this COURT and the Authority thereof, that the Law, *tit. Oaths* and *Subſcriptions, Pag.* 120. *Sect.* 2. requiring all perſons, as well inhabitants as ſtrangers (that have not taken it) to take the Oath of Fidelity to the Country, be revived and put in practice through this Juriſdiction: And for the more effectual execution thereof; It is Ordered by this Court that the Select-men, Conſtables and Tything men in every Town, doe once every quarter of a year ſo proportion and divide the precincts of each town, and go from

Oath of Allegiance & Fidelity for Inhabitants & Strangers.

houſe to houſe, and take an exact liſt of the names, quality and callings of every perſon, whether Inhabitant or Stranger, that have not taken the ſaid Oath, and cannot make due proof thereof; and the Officers aforeſaid are hereby required forthwith to return the names of ſuch perſons unto the next Magiſtrate, or County Court, or chief Military Officer in the Town where no Magiſtrate is, who are required to give ſuch perſons the ſaid Oath preſcribed in the Law, wherein not only fidelity to the Country, but Allegiance to our King is required: and all ſuch as take the ſaid Oath, ſhall be recorded and enrouled in the County Records, by the Clark of each County Court; and all ſuch as refuſe to take the ſaid Oath, they ſhall be proceeded againſt as the ſaid law directs. And further, this Court doth declare, that all ſuch Refuſers to take the ſaid Oath, ſhall not have the benefits of our Laws to implead, ſue or recover any debt in any Court or Courts within this Jurisdiction, nor have protection from this Government whilſt they continue in ſuch obſtinate refuſal.

And furthermore, It is Ordered that if any Officer intruſted with the Execution of this order do neglect or omit his or their Duty therein, they ſhall be fined according to their demerits, not exceeding five pounds for one offence, being complained of, or preſented to the County Courts, or Court of Aſſiſtants and this Law to be forthwith printed and publiſhed, and effectually executed from, and after the laſt of *November* next, and that all perſons that Adminiſter the Oath above ſaid, ſhall in like manner make return of the names of ſuch perſons ſo ſworn to the reſpective Clarks of the County Court.

ACTS OF TRADE to be obſerved.

THis Court being informed by Letters received this day from our Meſſengers of his Majeſties expectation, that the acts of Trade and Navigation be exactly and punctually obſerved by this his Majeſties Colony: His pleaſure therein not having been before now ſignified unto us, either by expreſs from his Majeſty, or any of his Miniſters of ſtate.

His Majeſty's Acts of Navigation and Trade to be obſerved on penalty, &c.

It is therefore hereby Ordered, and by the Authority of this Court Enacted, that henceforth all Maſters of Ships, Ketches, or other Veſſels of leſſer or greater burden; arriving in, or ſailing from any of the Ports of this Jurisdiction, do without covin or fraud, yield faithfull and conſtant Obedience unto, and Obſervation of all the ſaid Acts of Navigation and Trade, on penalty of ſuffering ſuch forfeitures, loſs and damage, as in the ſaid Acts are particularly expreſſed; and the Governour and Council, and all Officers commiſſionated and authorized by them, are hereby Ordered and required to ſee to the ſtrict Obſervation of the ſaid Acts.

Addition

Addition to the Law concerning Profanation of the Sabbath

AS an Addition to the late Law made in May *laſt for the prevention of profanation of the Sabbath, and ſtrengthning of the hands of Tything men appointed to inſpect the ſame.*

Addition to the Law, tit. Sabbath. Tything mens power, &c.

It is Ordered that thoſe Tything men ſhall be, and are hereby appointed and impowred to inſpect publick licenſed houſes as well as private, and unlicenſed houſes of enterteinment, as alſo *ex officio* to enter any ſuch houſes, & diſcharge their duty according to Law, and the ſaid Tything men are impowred to Aſſiſt one another in their ſeveral precincts, and to act in one anothers precincts, with as full power as in their own, and yet to retain their ſpecial charges within their own bounds.

And it is Ordered that the whole Fine raiſed by the penalty of this Law upon delinquents either in publick or private houſes ſhall be remitted to the County Treaſurer, and the Tything mens allowance made payable from him.

FINIS.

SEVERAL

Laws and Orders

Made at the ſecond Seſſions of the

GENERAL COURT

Held at Boſton, October 2d. 1678.

And publiſhed by their Order.

Edward Rawſon Secr.

I A. B. doe truly and ſincerely acknowledge, profeſs, teſtifie, and declare in my Conſcience, before God and the world, that our Sovereign Lord *King Charles* is lawfull and rightfull King of the Realm of *England*, and of all other His Majeſtyes Dominions and Countryes; and that the Pope, neither of himſelf, nor by any Authority of the Church or See of *Rome*, or by any other means with any other hath any power or Authority to depoſe the King or to diſpoſe any of his Majeſtyes Kingdomes or Dominions, or to authorize any foreign Prince to invade or annoy Him or His Countrey; or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to give licence or leave to any of them to bear Arms, raiſe Tumults, or offer any violence or hurt to his Majeſtyes Royal Perſon, The Oath of Allegiance.

State or Goverment, or to any of his Majeſtyes Subjects within his Majeſtyes Dominions.

Alſo I doe ſwear from my heart, that notwithſtanding any Declaration, or Sentence of Excommunication or Deprivation made or granted or to be made or granted by the Pope or his Succeſſors, or by any Authority derived, or pretended to be derived from him or his See againſt the ſaid King, his Heirs or Succeſſors, or any abſolution of the ſaid Subjects from their Obedience, I will bear Faith, and true Allegiance to his Majeſty, his Heirs and Succeſſors, and him and them will defend to the uttermoſt of my power againſt all Conſpiracyes and attempts whatſoever, which ſhall be made againſt His or Their Perſons, their Crown and Dignity *by reaſon or colour* of any ſuch Sentence or Declaration, or otherwiſe: and will doe my beſt endeavour to diſcloſe and make known unto his Majeſty, his Heirs and Succeſſors all Treaſons, and traiterous Conſpiracyes which I ſhall know or hear of to be againſt Him, or any of Them.

And I doe further ſwear, that I doe from my heart abhor, deteſt and abjure as impious and hereticall, this damnable Doctrine and Poſition, That Princes which be excommunicated or deprived by the Pope, may be depoſed or murdered by their Subjects, or any other whatſoever. And I doe believe, and in my Conſcience am reſolved, that neither the Pope, nor any Perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof; which I acknowledg by good and full Authority to be lawfully miniſtred unto me; and doe renounce all pardons and diſpenſations to the contrary. And all theſe things I doe plainly and ſincerely acknowledge and ſwear according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any Equivocation or mental Evaſion, or ſecret Reſervation whatſoever. And I doe make this Recognition and acknowledgment heartily, willingly and truly upon the true Faith of a Chriſtian: So help me God.

WHereas it hath pleaſed his moſt excellent Majeſty our Gratious King, by his Letter bearing Date the twenty ſeventh of April, 1678. *to ſignifie his Royal pleaſure, That the Authority of this his Colony of* Maſſachuſets *in* New-England, *do give forth Orders that the Oath of Allegiance as it is by Law eſtabliſhed within his Kingdome of* England, *be adminiſtred and taken by all his Subjects within this Colony, who are of years to take an Oath:*

Order to take the Oath of Allegiance.

In Obedience whereunto, and as a demonſtration of our Loyalty;

It is Ordered and Enacted by this Court and the Authority thereof, that as the Members of this Court now ſitting have readily taken the Oath of Allegiance, ſo by their Example and Authority they do require and command that the ſame Oath be given and taken by all his Majeſties Subjects within this Juriſdiction, that are of ſixteen years of Age and upwards. And to the end this Order be duely executed, It is hereby Ordered, that a convenient number of printed Copies of the ſaid Oath of Allegiance, exactly agreeing with the written Copy Incloſed in his Majeſties Letter, and ſigned by the Secretary of State, be ſent forth

forth un to every Magiſtrate and Juſtice of Peace, and to the Conſtable of every Town within this Jurisdiction.

And it is further Ordered that the Magiſtrates and Juſtices, or ſuch as are Commiſſioned with Magiſtratical Authority in every County of this Colony do with all convenient ſpeed repair to the ſeveral Towns and Villages within this Jurisdiction, at ſuch time, and in ſuch order as they beſt may, and accompliſh the ſame; giving forth their warrant to the Conſtables of each Town to convene all the Inhabitants of the Age aboveſaid, and taking their names in writing, adminiſter the ſaid Oath of Allegiance to each of them, and return their Names to the Recorder of each County Court to be enrolled. And if any ſhall refuſe to take the ſaid Oath, or abſent themſelves unleſs in caſe of ſickneſs, the Names of ſuch ſhall be returned to the Recorder of the County, who are to be proceeded againſt by the County Courts reſpectively, for the firſt Offence whereof he is legally convicted, to pay ſuch a Fine as the County Court ſhall impoſe, not exceeding five pounds, or three Moneths Impriſonment in the common priſon or houſe of Correction: And for the ſecond offence whereof he ſhall be lawfully convicted, what ſumme the County Court ſhall inflict, provided it exceed not ten pounds, or ſix Moneths Impriſonment without Baile, or Main-priſe.

IT being the Duty as well as the Practice of all good Subjects to provide for the ſafety and ſecurity of the Perſon, Crown and Dignity of their Soveraign Prince; this Court being ſenſible of their duty and obligation to our Sovereign Lord the King,

Do hereby Order and Enact, That whatſoever Perſon within this Jurisdiction ſhall compaſs, imagine or intend the death or deſtruction of our Sovereign Lord the King (whom Almighty God preſerve with a long and proſperous Reign) or to deprive or depoſe him from the Sole, Honour or kingly Name of the Imperial Crown of England, or of any other his Majeſtyes Dominions; and ſuch compaſſings, imaginations Devices or intentions ſhall expreſs utter or declare, by Printing, Preaching or malitious & adviſed ſpeaking, being legally convicted thereof upon the Oathes of two lawfull and credible Witneſſes, upon Trial or otherwiſe convicted by due courſe of law, then every ſuch perſon or perſons ſo offending ſhall be declared and adjudged to be Traitors, and ſhall ſuffer the pains of Death.

Treaſon puniſhed with Death.

IT is Ordered by this Court and the Authority thereof, that in all Towns within this Jurisdiction, where there ſhall be more Companyes then one, the precedency of ſuch Companyes ſhall be according to the Priority of the Captains Commiſſion.

Precedency of Companyes in Towns

Direction for Clerk of the Writts,

Clerk of the Writts Direction.

FOR the aſcertaining the power of the Clarks of the Writts, It is Ordered that all Clerks of the Writts ſhall ſign Warrants only in the Towns and places where they are choſen and reſide.

2. That all Writts ſo ſigned ſhall paſs in all Courts of Judicature throughout the Colony they ſigning, *A. B. per Curiam, for the town of C.*

The Law for exportation of Proviſion repealed.

THere being a Law made in *Octob.* 1675. prohibiting the exporting of all ſorts of proviſion; which ſaid Law was to ſtand in force only during the Courts pleaſure, which this Court having conſidered of, for good reaſon judge meet hereby to repeal the ſaid Law.

FINIS.

SEVERAL

Laws and Orders

Made at the firſt Seſſions of the

GENERAL COURT

Held at *Boſton, May* 28. 1679, and publiſhed by their Order.

Edward Rawſon Secretary.

WHereas *there is an abuſive and evil practice taken up in ſeveral places of this Colony, upon Training dayes, more publick or private, & other publick Conventions of People upon civil occaſions, diverſe perſons taking liberty to bring into the field, and other places near ſuch concourſe of people, conſiderable quantityes of wine, ſtrong liquor, Cider, and other inebriating Drinks, having no licenſe ſo to doe, whereby many People both Engliſh and Indians that come to ſuch Meetings, as well as Souldiers, commit many diſorders of Drunkenneſs, Fighting, neglect of duty, &c.* for prevention whereof,

It is Ordered by this Court and the Authority thereof, that henceforth no Perſon whatſoever ſhall preſume to bring into the field, and ſell by retail upon ſuch occaſions, any Wine ſtrong Liquor, Cider or any other inebriating Drink (excepting Beer of a peny a quart) unleſs he or they ſo doing have licenſe from the hands of two Magiſtrates, or the chief Military Officer or Officers in the Field, upon penalty of forfeiting all ſuch ſtrong Drink, and paying a Fine of five pounds, one half to the informer, the other half to the Country Treaſury. And it is further Ordered, that the Conſtables of the Town where ſuch meeting is, are Ordered and required with a meet company to guard him, ſhall by Warrant from the chief Officer ſeize upon all ſtrong Liquors, Wine, Cider, or other ſtrong Drink, and diſpoſe of the ſame as this Law directs.

Order prohibiting retailing ſtrong Drink at Trainings.

Four dayes Training only unleſs, &c.

IT is Ordered by this Court (for the eaſement of the Country) that the ordinary Trainings of Foot and Horſe be reduced to four dayes in the year, any Law, Cuſtome, or Uſage to the contrary notwithſtanding: unleſs the Commiſſion Officers of each Company, in every Town reſpectively, ſhall ſee cauſe to draw forth and exerciſe their Companies (after the four Training dayes enjoyned be expired) one or two dayes more, which they are allowed and impowred to doe.

Order regulating Size of Bricks on penalty

IT is Ordered by this Court and the Authority thereof, that clay to make Bricks ſhall be digged before the firſt of *November*, and turned over in the Moneth of *February* and *March* enſuing a moneth before it be wrought; and that no Perſon temper their Bricks with ſalt or brackiſh water; and that the ſize of Bricks be nine inches long, two and a quarter inches thick, and four and an half inches broad; and that all moulds uſed for making of Bricks be made according to theſe ſizes, and well ſhod with iron: And what perſon or perſons ſoever, ſhall make Bricks in any reſpect contrary to this Order, in the ſeveral particulars of it, ſhall forfeit the one half of ſuch Bricks to the uſe of the Treaſury of the Town where they are made.

Penalty for Foot-ſouldiers abſence from Trainings.

AS *an addition to the former Law* tit. *Military*, It is Ordered by this Court and the Authority thereof, that every Foot-Souldier that is a Delinquent on a Training Day, ſhall pay for each dayes delinquency five ſhillings in money, or ten ſhillings per Day in good merchantable commodities, or Grain as the Country Rates are paid, to be levied by the Clark of each Company as the Law directs.

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for encouragement of Fiſhing Trade.

IT is Ordered by this Court & the Authority thereof, that all fiſhermen that are ſhipt upon a winter & ſpring voyage, ſhall duely attend the ſame, according to cuſtome or agreement with reſpect to time. And all Fiſhermen that are ſhipt upon a Fiſhing Voyage for the whole Summer, ſhall not preſume to break off from their Voyage, before the laſt of *October*, without the conſent of the Owner, Maſter, and Shoar men, upon the penalty of paying all Damages.

Law about Book-debts repealed.

VPon Complaint of ſundry inconveniences and Prejudice ariſing by the Law entitled Debts by Book. *if put in execution: Which Law hath upon ſundry petitions from time to time been ſuſpended, & now again by longer experience found to be very detrimental,*

This Court on ſerious conſideration hereof, and what elſe is preſented, ſees cauſe to repeal the ſame; and by the authority hereof it is hereby repealed to all intents and purpoſes.

Queſtion reſolv'd as to Letters of Attorney from a Town.

WHither if a Town ſee good to implead any Perſon in a courſe of Law, and make their Vote to that end, and chuſe their Atturney, it be not ſufficient Legal Atturneyſhip, and to be allowed in Court, the ſaid Atturney bringing a Record of the ſaid Order or choice, ſigned by the hand of the Recorder of the Town, though there be no Seal as in other Letters of Atturney? This Queſtion was reſolved by the Court on the affirmative.

Whereas

Order for liſting Troopers.

WHereas Complaints are made to this Court that ſeveral foot Companyes are diſcouraged and weakned, by frequent liſting their beſt Souldiers into Troops, (whereby the Infantry reputed the chief ſtrength of the Militia in any Country) are like to be very feeble, and this error ariſes from the miſconſtruing of a Law directing the liſting of Troopers, which ſaith, that no perſon ſhall liſt unleſs he pay for one hundred pounds eſtate in a ſingle Country rate, and be otherwayes well qualified. But the practiſe is different from the Law (as is conceived,) for Conſtables giving Certificate that ſuch a perſon payes in a ſingle Country Rate eight ſhillings four pence, including therein heads of perſons; and upon this Certificate the Captain of the Troop liſts the perſon Certified, and ſo as it is apprehended the Law is not attended. For prevention whereof,

Order regulating liſting of Troopers.

It is Ordered that no Conſtable ſhall give Certificate to any perſon deſiring to lyſt a Trooper, unleſs the ſaid perſon pay *bona fide* in a ſingle Country Rate for one hundred pounds eſtate, without reſpect to poll money and alſo no ſuch Foot Souldier ſhall lyſt in any Troop, unleſs he have a Certificate from the Major of the Regiment under his hand, that he is a fit perſon and hath obteined the conſent of the Commiſſion Officers of the Foot Company whereunto he belongs, or the major part of them, &c.

Meeting Houſes not to be erected without Licenſe.

FOraſmuch as it hath too often happened that through differences ariſing in ſeveral Towns, and on other pretences there hath been Attempts by ſome perſons to erect new meeting houſes although on pretence of the publick worſhip of God on the Lords dayes; yet thereby laying a Foundation (if not for Schiſme and ſeduction to error and hereſie) for perpetuating diviſions, and weakening ſuch places where they dwell in the comfortable ſupport of the Miniſtry orderly ſetled amongſt them. For prevention whereof for the future,

Penalty for erecting new Meeting houſes without conſent of Authority.

It is Ordered by this Court, and the Authority thereof that no perſons whatſoever without the conſent of the Freemen of the Town where they live, firſt orderly had and obteined at a publick meeting aſſembled for that end, and licenſe of the County Court: or in defect of ſuch conſent and licenſe by the ſpecial order of the General Court, ſhall erect, or make uſe of any houſe as aboveſaid. And in Caſe any perſon or perſons ſhall be convicted of tranſgreſſing this Law, every ſuch houſe or houſes wherein ſuch perſons ſhall ſo meet, more then three times, with the Land whereon ſuch houſe or houſes ſtand, and all private wayes tending thereto, ſhall be forfeited to the uſe of the County, and diſpoſed of by the County Treaſurer, by Sale or demolliſhing, as the Court that gave Judgement in the Caſe ſhall order.

FOr the greater comfort and ſafety of all people who are intended to reſettle the Villages deſerted in the late war, or the planting any new Plantation within this Juriſdiction.

Order directing the ſettlement of towns deſerted, or New Plantations.

It is Ordered and Enacted by this Court, and the Authority thereof, That no deſerted Town, or new Plantation ſhall be inhabited, until the people firſt make application unto the GOVERNOUR and COUNCIL, or to the

County Courts, within whoſe Juriſdiction ſuch Plantation is. And the Council or County Court are hereby Ordered and Impowred to appoint an able & diſcreet Committee [at the charge of the people intending to plant] which Committee are Ordered and Impowred to view and conſider the place, or places to be ſetled, and give directions and orders in writing, under their hands, in what form and manner ſuch town ſhall be ſetled and erected wherein they are required to have a principal reſpect to nearneſs and conveniency of habitation for ſecurity againſt Enemyes, and more comfort for Chriſtian Communion and enjoyment of Gods worſhip, and education of Children in Schools and Civility, with other good ends. And all ſuch planters are hereby Injoyned to attend and put in practice ſuch orders and directions as ſhall be given by ſuch Committee upon the penalty of one hundred pounds Fine to the Country, to be inflicted upon them by order of the Council, or County Courts for their neglect or refuſal to attend this order.

10 s. *per* hogſhead abated upon impoſt of Rhum.

IT is Ordered that from henceforth an abatement of the Impoſt upon Rhum be made of ten ſhillings *per* Hogshead, and that two pence be added by the quart upon all ſtrong liquor that is retayled by leſs quantities then ten Gallons at one time.

FINIS.

SEVERAL

Laws and Orders

Made at the ſecond Seſſions of the

GENERAL COURT

Holden at BOSTON Octob. 15. 1679. and Printed by their Order,

EDWARD RAWSON Secr.

For the prevention of the profanation of the Sabbath, and diſorders on Saturday night by Horſes and Carts paſſing late out of the Town of Boſton.

It is Ordered and Enacted by this Court; That there be a Ward from Sun ſet on Saturday night, until nine of the Clock, or after, conſiſting of one of the Select men, or Conſtable of Boſton, with two or more meet perſons, who ſhall walk between the Fortification and the Towns end, and upon no pretence whatſoever ſuffer any Cart to paſs out of the Town after Sun ſet, nor any Footman, or Horſeman without ſuch good account of the neceſſity of his buſineſs, as may be to their ſatisfaction; And all perſons attempting to ride or drive out of Town after ſun ſet without ſuch reaſonable ſatisfaction given, ſhall be apprehended and brought before Authority, to be proceeded againſt as Sabbath breakers, and all other Towns are impowred to do the like as need ſhall be.

Order to prevent Sabbath-breaking.

This Court having a ſenſe of the great Ruines in Boſton by Fire, and hazard ſtill of the ſame by reaſon of the joyning and nearneſs of their buildings; for prevention of damage and loſs thereby for future.

Do therefore Order and Enact; That henceforth no dwelling houſe in *Boſton* ſhall be erected and ſet up, except of ſtone or brick, and covered with Slate or Tyle, on penalty of forfeiting double the value of ſuch buildings, unleſs by allowance and liberty obteined otherwiſe from the Magiſtrates, Commiſſioners and Select men of *Boſton* or major part of them; And further the Select men of *Boſton* are hereby Impowred to hear and determine all Controverſies about proprietyes, and rights of any perſon to build on the Land wherein now lately the houſing hath been burnt down, allowing liberty of Appeal for any perſon grieved to the County Court.

New Buildings in *Boſton* to be Stone or Brick.

IT is Ordered by this Court and the Authority thereof. that henceforth the Select men of each Town take care that Tything men be Annually choſen in their ſeveral precincts of their moſt prudent and diſcreet Inhabitants, and ſworn to the faithful diſcharge of their truſt (where no Magiſtrate or Commiſſioners are) before the Select men of the place, and the ſaid Tything men are required diligently to inſpect all houſes licenſed, or unlicenſed, where they ſhall have notice, or have ground to ſuſpect that any perſon or perſons do ſpend their time or Eſtates by night or by day; in Tipling, gaming, or otherwiſe unprofitably, or do ſell by retayle within dores or without ſtrong drink, wine, ale, Cider, Rhum, Brandy, Perry, Matheglin, *&c.* without licenſe, and into ſaid houſes where ſuch diſorders ſhall by them be found, they may. and are hereby required and impowred to enter into and make ſearch in their Cellars, or any other places within or about the ſame where they may ſuſpect, or have notice, that wines, ſtrong beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, *&c.* are lodged; and in caſe they ſhall find any quantity of either, whereof the Owners do not give ſaid Tything men a ſatisfactory account of their having the ſame, any three of them agreeing, they ſhall by Warrant from any Magiſtrate, or Commiſſioners inveſted with Magiſtratical power, or (where no Magiſtrate is within five miles of the place) they ſhall without Warrant requiring the aid of the Conſtable, ſeize, carry away, and ſecure all ſuch wines, ſtrong beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, *&c.* and preſent an Account thereof with the names of the perſons from whom they took it to the next Magiſtrate, or Commiſſioner of the Town where any be that are inveſted with Magiſtratical power, who may, and are hereby impowred to proceed againſt ſaid delinquent partyes, and diſpoſe of ſaid wines, ſtrong Beer, *&c.* as to them ſhall ſeem meet; and if for value more then ten pounds, they are then to bind ſaid partyes over to the County Court, to be there proceeded againſt as the Law directs. In all which Caſes full recompence ſhall be made to the Tything-men, and other Officers for all their care, trouble & expences in ſearching and ſecuring ſaid goods, and the remainder of the Goods ſeized, or value thereof, where the Magiſtrate, County Court, or Commiſſioners Court, that have orderly Cognizance thereof, ſhall not ſee reaſon to return the ſame to the partyes from whom it was taken, the ſame ſhall be put into the County Treaſury.

Tything men to be annually choſen.

Alſo the Tything-men are required diligently to inſpect the manner of all diſorderly perſons, and where by more private admonitions they will not be reclaimed, they are from time to time to preſent their names to the next Magiſtrate, or Commiſſioner inveſted with Magiſtratical power, who ſhall proceed againſt them as the Law directs, as alſo they are in like manner to preſent the names of all ſingle perſons that live from under Family Government, ſtubborn and diſorderly Children and Servants, night-walkers, Typlers, Sabbath breakers, by night or by day, and ſuch as abſent themſelves from the publick Worſhip of God on the Lords dayes, or whatever elſe courſe or practice of any perſon or perſons whatſoever tending to debauchery, Irreligion, prophaneſs, and Atheiſm amongſt us, whether by omiſſion of Family Government, nurture, and religious dutyes, and inſtruction of Children and Servants, or idle, profligate, uncivil or rude practices of any ſort, the names of all which perſons with the fact whereof they are accuſed, and witneſſes thereof, they ſhall preſent to the next Magiſtrate, or Commiſſioner, where any are in the ſaid Town inveſted with Magiſtratical power who ſhall proceed againſt and puniſh all ſuch miſdemeanours by Fine, Impriſonment, or binding over to the County Court as the Law directs.

WHereas you A B. are choſen a Tything-man within the Town of D. for one year, until others be choſen and ſworn in your room and ſtead, you do here ſwear by the living God that you will diligently endeavour, and to the utmoſt of your Ability perform and intend the duty of your place according to the particulars ſpecified in the Laws peculiar to your Office, So help you God.

Tything Mens Oath.

IT is hereby Ordered, that henceforth no Ordinary-keeper ſhall have any action or recover any debt that ſhall hereafter be made by any Inhabitant for any ſort of drink, or Liquor ſold to ſuch Inhabitants, and that the ſaid In-keeper beſides the loſing of his Debt ſhall upon Conviction before any Magiſtrate or perſons Authorized in ſuch a caſe forfeit the ſum of *five ſhillings* in money to the County where the fact is committed for every ſuch offence or Act.

Ordinary-keepers penalty.

THis Court being informed that many perſons do not appear and attend Military Exerciſes in the places to which they did of long time belong, and being called upon for their defects, give Anſwer that they are removed, when indeed being young men, and unwilling to be confined to any certain place they move backward and forward, and ſo perform duty at no place.

Souldiers when and where to attend Military Service, &c.

Doth hereby Order and Enact, that when any perſon is entred and belongs to the Military Company in one Town, he ſhall not be at liberty, or eſcape duty in ſaid place till he bring a Certificate from the chief Officer of the place to which he removed, to the chief Officer of the place from whence he removed that he is entred in their Liſts and taken notice of as one of their own men, ſo that he may be in a way of duty; and until that time the remover to be lyable to duty in his firſt place, and to ſatisfy by diſtreſs, or ſuits the demands of the Commander or Clark according to proportion of former Laws.

WHereas there is no declaration made by this Court what ſhall be taken for an Alarum in the day time, and by reaſon of the variety of occaſions, the ſignals preſcribed for a night Alarum would be full of uncertaintyes in the day, eſpecially, to Neighbour Towns.

Order about Alarms.

It is Ordered, that beſides the above ſaid ſigns or ſome of them given in the place where the Alarum is firſt taken or made, there ſhall be a Meſſenger or Meſſengers ſent to the neighbour Towns by the Committee of Militia, or ſome of them, and directed to the Committee of Militia, or ſome of them, whence Aſſiſtance is deſired, who crying *Arm, Arm*, &c. ſhall be an Alarum to all ſuch places, and thereupon all the Souldiers of that Town ſhall be bound immediately to repair to their Colours, and then attend further Orders ſent by writing, or by word by a ſufficient Meſſenger, and all this under the penalty of five pounds a man for every defect.

IT is Ordered by this Court and the Authority thereof, that all Ships and Veſſels above twelve Tuns, (except the Confederates of this Colony) that trade within our Ports, belonging to other places, or that the greater part of the Owners thereof are not Inhabitants of this Juriſdiction, ſhall pay one ſhilling in mony for every Tun of burden they are of, every Voyage they make hither; towards proviſions for publick Fortifications, which is to be paid to Mr. *Paul Dudley* for the Ports of *Boſton* & *Charls-Town*. Mr. *Hilliard Veren*, Sen. for the Ports of *Salem* and *Marble-head*. Mr. *Richard Martin*, for *Piſcataqua*, or to whom they ſhall depute under their hands, and in caſe the Ship Maſter or Commander of any ſuch Ships or Veſſels ſhall refuſe upon demands to pay the ſame, it ſhall be lawful for the ſaid Gentlemen, or any one of them to ſend forth their Warrants to any Marſhal or Conſtable to diſtrain for the ſame, with the charge thereof upon the Goods of ſuch Maſter or Commander, or any one of the Appurtenances of their Veſſels, and the Gentlemen above appointed ſhall be accountable to the General Court when called thereunto, for what they ſhall receive by virtue of this Order, and are to deliver the mony they have in their hands once every year, or oftner, unto the Surveyor General, excepting one

An Order for 12*d per* Tun of all Veſſels above 12. Tun.

ſhilling out of every twenty ſhillings they ſhall receive, which ſhall be allowed them for defraying the neceſſary charges thereabouts, and the former Law of ſix pence *per Tun* is hereby repealed.

Conſtables to read the Laws of the Sabbath in all Towns.

IT is Ordered by this Court and Authority thereof, that the Law with reſpect to Miniſters reading the Laws reſpecting the Sabbath once in the year publickly upon the Lords day be henceforth repealed.

It is further Ordered, that the Conſtable or Town Clerke of each Town perform the ſame upon ſome publick meeting of the Inhabitants.

UPon Complaint from ſeveral Committees of the Train Bands that their Drummers refuſe to attend their duty, and will lay down their places, unleſs hired, and that too at unreaſonable Rates.

Order about Drummers.

This Court doth therefore Order, and be it hereby Ordered and Enacted; That any Drummer now in place, or belonging to any of the Companyes in this Jurisdiction that ſhall deſert the ſaid ſervice, or lay down his place during his abode in the Town, unleſs regularly diſmiſſed by the chief Officer or Officers of the Company, (or in caſe of juſt complaint) by the County Court, ſhall forfeit *forty ſhillings* in mony to be levyed by the Clerke by Warrant from the chief Officer of ſaid Company, and for future it ſhall be in the power of the Commiſſion Officers of each Company to nominate and chuſe out of their own Company any meet perſon or perſons to ſerve as a Drummer, and if any ſhall refuſe to accept the place, and attend the Service, or defert the ſervice, unleſs regularly diſmiſſed as above, he ſhall pay *forty ſhillings* in mony to the uſe of the Company, to be levyed as above; And all Drummers ſo choſen and ſerving, ſhall be allowed *Ten ſhillings per Annum* in Caſe the Company find & maintain the Drum, or *Twenty ſhillings per Annum* if he maintain the Drum, which ſhall be delivered to him in good repair: all perſons choſen Drummers agrieved, have liberty to make their Complaint to the County Court for Relief.

Reſolution of a Queſtion.

WHether when a Caſe is committed to a Jury, they ought not to bring in their Verdict upon the merit of the Caſe without evading the iſſue upon any Circumſtance in way of Barr, or Non-ſuit pleaded, if it be not allowed by the Judges of the Court at the time. This Queſtion is reſolved on the Affirmative.

Order about Weights and Meaſures.

AS an Addition to the Law Title Weights and Meaſures, This Court doth Order, that the Country Treaſurer do provide upon the Country charges theſe further braſs weights following, one ſeven pound weight, one fourteen pound, one twenty eight pound, and one fifty ſix pound, which ſhall be after ſixteen Ounces to the pound, with fit Scales and Steel beam to weigh and try withal. And the Conſtable of every Town within this Jurisdiction, where ſuch weights are frequently uſed, ſhall within ſix moneths after publication hereof, provide upon the Town charge all ſuch weights, at leaſt of Lead, to be tryed and ſized by the Countryes ſtandards, and ſealed, kept, and uſed in the ſeveral Towns as Standards, and improved by the Select men and Conſtables as the Law directs for ſmaller Weights.

FINIS.

SEVERAL

Laws and Orders

MADE AT A

GENERAL COURT

Held at Boſton, February the *4th* 167⅞.
EDWARD RAWSON Secretary.

IT is Ordered by this Court and the Authority thereof, that for the future there ſhall be annually choſen according to our Charter, eighteen Aſſiſtants, beſides the Governour and Deputy-Governour, in manner following, viz. The Conſtables of each Town ſhall give timely notice to, and warn their Freemen to meet upon the ſecond Tueſday in *April* next, who being ſo met, ſhall put in their Votes for Governour, Deputy Governour, and twenty Aſſiſtants, with Major General, Secretary Treaſurer and Commiſſioners of the united Colonyes, all in diſtinct papers fairly written, the whole number of twenty for Aſſiſtants being to be put into one Liſt, cut almoſt aſunder betwixt each name, which Votes ſhall be received by the Deputyes choſen for the next General Court, or ſome other meet Perſon choſen by the Freemen where no Deputy is, and ſealed up in the preſence of the Freemen and the Deputyes, or other perſons choſen for that end, are to bring the ſaid Votes to Boſton ſo ſealed up, to the Court houſe by one of the clock, on the Munday before the Election day, on the penalty of ten pounds for every Perſon that doth neglect ſo appearing; where in the preſence of the Governour, Deputy Governour and Aſſiſtants, or ſo many of them as ſhall be then preſent, the Proxyes ſhall be opened and ſorted forthwith by the Perſons ſo aſſembled, and ſo kept diſtinct, ſealed up and numbered, with the name of the Party on the backſide with the number of Votes incloſed till Wedneſday, when all the Freemen that have not Voted by Proxy are required to appear at the Court Houſe in Boſton aforeſaid, by ſeven of the clock in the morning, to bring in their Votes for Elections of Governour, Deputy Governour, Aſſiſtants and other Of-

Order for Nomination and Election of Governour, Aſſiſtants, & publick Officers.

Officers that are then to be choſen according to Charter, in Papers as aforeſaid: all which Votes are to be ſorted and numbred with the Proxyes: And the Governour and Deputy Governour being choſen and proclaimed, the eighteen that have moſt Votes, are to be proclaimed Aſſiſtants for the Year enſuing, and other general Officers to be choſen as formerly. Alſo it is Ordered, that every Perſon admitted to be preſent as above, at the opening and numbring of the Votes, ſhall before they enter upon the ſaid work, or be admitted to be preſent thereat, take their Oathes to deal truly in the truſt committed to them as aboveſaid; this Law or Order to ſtand for this year only, as to the manner of Choice.

Oath to be adminiſtred to thoſe that ſort and number the Votes.

WHereas you A.B.C. are appointed and betruſted for the opening the Proxies ſent in by the Freemen, and receiving ſorting and numbring the Votes for the choice of Governour, Deputy Governour, Aſſiſtants, and other publick Officers of this Jurisdiction, to be choſen on the Election day; You do now ſwear by the Name of Almighty God that you will deal truly and uprightly therein as alſo that you will not either directly or indirectly diſcover either the perſons or number of Votes until the Election be ended, So help you God.

The Governour and Company of the Maſſachuſets Bay *in* New-England.
To A. B. Captain.

Form of Military Officers Commiſſion *mutatis mutandis*

WHereas you are appointed Captain of a Foot-Company for the Service of his Majeſty in the Town of B. in the County of E in the Colony of the *Maſſachuſets Bay* Theſe are in his Majeſties Name to Authorize & require you to take into your care & conduct the ſaid Company, & diligently to intend that ſervice by leading and exerciſing your inferior Officers and Souldiers in peace and war, commanding them to obey you as their Captain, and you to obſerve and obey all ſuch Orders and directions as from time to time you ſhall receive from your Major, or other Superior Officer, In Teſtimony whereof, *&c.*

Addition to the Law of Tything-men.

IT is Ordered by this Court that every perſon legally choſen in any Town within this Jurisdiction to ſerve in the Office of a Tything man according to Law, and do refuſe to take his Oath ſhall pay as a Fine to the Town *forty Shillings*, and another to be choſen in his room for that year, and ſo from time to time the ſame courſe is to be obſerved in all Towns. And further, It is Ordered, that the Conſtable of each Town from time to time ſhall Aſſiſt the Tything-men in the Execution of their Office, being thereunto deſired by the ſaid Tything men or any two of them.

FINIS.

SEVERAL

Laws and Orders

Made at the firſt Seſſions of the

GENERAL COURT

FOR

ELECTIONS

Held at Boſton, *May 19th.* 1680.

And publiſhed by their Order,

Edward Rawſon *Secr.*

Courts Declaration as to Military Officers Commiſſions, & Precedency, &c.

AS an Explanation of the Order of this Court made in February laſt, reſpecting the Form of Military Officers Commiſſions,

This Court doth declare, that that Order intends, not only all Commiſſions following, but alſo preceding the ſame. And it is hereby Ordered, That the Secretary doe iſſue out, when they ſhall be demanded, new Commiſſions to all former Officers in the ſaid Form. And that the precedency of Captains goe and be according to their former Settlement.

The Law requiring Buildings to be Brick or Stone in Boſton *ſuſpended for three years.*

IN anſwer to the Petition of ſeveral of the Inhabitants of *Boſton*, the Court conſidering the preſent inability of many Perſons that have ſuffered great loſs by the late Fire, to rebuild with Brick or Stone, Judgeth it meet to ſuſpend the executing and proſecuting the late Law Tit. *New Buildings in* Boſton to be Brick or Stone, for the ſpace of three years only, when it is to be in force, and all Perſons are required then careſully to attend the ſame.

IT is Ordered by this Court and the Authority thereof, That henceforth the new Meaſures that are now come over from England by Mr. *Foy* ſhall be the Standard for this Colony of the Maſſachuſets, which ſaid Meaſures are of Bell-mettal, the half buſhel and the Peck for meaſuring of Corn, and other Grain, and Salt &c. And alſo one Quart, and one Pint for Beer or Ale, which are atteſted to by *Daniel Man*, Keeper of Guild-Hall, of the City of London, Yeoman of the Chamber thereof, and Sizer and Sealer of the Weights and Meaſures, to be juſt and right according to the Statute for meaſuring called *VVinchester Meaſure*: together with a Standard of Braſs to Size a Yard and an Ell: And alſo one Gallon, one Quart and one Pint, being Wine Meaſures according to the cuſtome of London; And that all half Buſhels and Buſhels ſhall be ſized by this half Buſhel, and all other Meaſures ſhall be ſized by theſe other Meaſures before expreſſed: And that the Country Treaſurer iſſue forth his Warrants forthwith to the Conſtable of every Town in this Colony, to bring in all the old Standards of the ſeveral Towns, to whom the Treaſurer ſhall order, to be ſized by the new Meaſures now allowed and approved of by this Court, within one month after Publication hereof: And that henceforth it ſhall not be lawfull for any Perſon whatever, to buy or ſell by any other Meaſures then what are allowed of, and ſealed by or according to the aboveſaid Standard under the Penalty of five pounds to any Perſon that ſhal ſo doe, the one half to the Informer, and the other half to the Town they belong to; and if any Town or Conſtable thereof ſhall neglect their duty herein in not bringing in their Standards to be ſealed according to the time appointed, they ſhall pay as a Fine to the Country ten Pounds

Standard for Meaſures.

And the new Seal for theſe meaſures ſhall be M NE

FINIS.

SEVERAL

LAVVS and ORDERS

Made at the ſecond SESSIONS of

The General Court

Held at Boſton, Octob. 13. 1680.

And Publiſhed by their Order.

Edward Rawſon Secr.

IT is Ordered by this Court and the Authority thereof, That henceforth it ſhall not be lawfull for any Ship, Sloop, Ketch, or Veſſel of more then twelve Tunns burthen to ſail out of any Harbor or Port within this Colony, or entertain on board thereof any Paſſenger or Paſſengers, or any Servant or Negro, without the Permit of the Governour for the time being, or ſuch as he ſhall appoint to that truſt, on penalty of twenty pounds Fine to be paid by the Maſter or Skipper of ſaid Ship, Ketch, Sloop or Veſſel that ſhall be convicted of tranſgreſſing hereof, and ſhall be liable to ſatisfie double damages to any that ſhall be injured thereby, to be recovered by an Action of the Caſe.

No Maſters of Veſſels to carry ſervants &c. without Permit

THis Court being informed of the great deficiency generally found among the Troopers, ſome in one kind ſome in others &c. and for prevention of future miſtakes in the Law, Tit. Charges publick, *wherein Troopers claim abatement as to their Perſons and Horſes being exempted;*

It is Ordered by this Court and Authority thereof, That henceforth all Troopers (excepting only thoſe who by the firſt Law *Anno* 1648. were allowed five ſhillings a man, and the abatement of their Head and Horſe, which is only to be underſtood as to one ſingle Country Rate) ſhall pay for their Heads and Horſes to all publick Aſſeſſments as others does any Law, Cuſtome or Uſage to the contrary notwithſtanding: Provided, that ſuch as lifted themſelves upon the account of that Priviledge hereby abated as to their head and horſe only, ſhall have free liberty to diſpoſe of their horſes, and lift in the Foot-Company again.

Troopers Priviledge when, &c.

IT is Ordered by this Court and the Authority thereof, That there ſhall be annually choſen according to our Charter eighteen Aſſiſtants beſides the Governour and Deputy Governour, in manner following. The Conſtables of each Town ſhall give timely notice unto, and warn their Freemen to meet upon the ſecond Tueſday in March yearly, who ſhall then put in their Votes in diſtinct Papers for ſuch Perſons being Freemen, and reſident in this Jurisdiction, whom they deſire to have choſen for Magiſtrates or Aſſiſtants at the next Court of Election, not exceeding the number of twenty, & all in one Lyſt clearly diſtinguiſhed: & no Freeman ſhall put in above one Vote for one perſon under the penalty of ten pounds for every offence. And the ſaid Freemen ſo met, or the major part of them, ſhall then and there appoint One to carry their Votes ſealed up unto their Shire Town upon the laſt Wedneſday in March, at twelve of the clock, which Perſons for each Town ſo aſſembled ſhall appoint two of themſelves as Commiſſioners for each Shire, *Hamſhire* only excepted, to carry them unto *Boſton* the ſecond Tueſday in *April* at nine of the clock in the morning, there to be opened and peruſed in the preſence of the Governour or Deputy Governour, or ſo many Magiſtrates as pleaſe to attend it; otherwiſe by thoſe Perſons that brought them, at the Town-houſe in *Boſton*, or ſuch other place as the Commiſſioners for *Suffolk* ſhall appoint. And all Liſts that exceed twenty, or have one mans name more then once ſhall be thrown away, and thoſe twenty ſix who have moſt Votes ſhall be the men (and they only) which ſhall be put to Vote at the Court of Election for Magiſtrates or Aſſiſtants as aforeſaid; and the ſaid Commiſſioners of each Shire ſhall forthwith ſignifie to the Conſtables of the ſeveral Towns within their County, in writing under their hands, the names of thoſe twenty ſix perſons aforeſaid, with the number of Votes for each, which the Conſtable of each town ſhall ſignifie to their Freemen, and as any have more Votes then others, ſo ſhall they be nominated for Election, except ſuch who were Magiſtrates heretofore, who ſhall have precedency of all others in Nomination on the Election day.

Nomination & Election of Magiſtrates, &c.

It is further Ordered, That the Conſtables of each Town ſhall call together their Freemen on the wedneſday next before the Election day, from year to year, when and where ſuch as pleaſe may put in their Proxies for Election, *viz.* of Governour, Deputy Governour, and all other publick Officers in diſtinct Papers as formerly, and for twenty Aſſiſtants to be choſen out of the twenty ſix perſons in Nomination, by Indian Corn, which Proxies ſhall be ſealed up with the name of the Perſon written on the paper, and delivered to the Deputy of the ſaid Town, or ſome other meet Perſon choſen by the Freemen, who ſhall bring the ſame to *Boſton* on the Election day, when and where all the Freemen who have not voted by Proxy are required to appear at the Court houſe by eight of the clock in the morning, to bring in their Votes as aforeſaid; where the Votes of the Governour and Deputy Governour are firſt to be opened and ſorted, and the choſen proclaimed, & then the Votes for the twenty ſix perſons choſen by Corn to be opened and counted, and thoſe eighteen who have moſt Votes are to be proclaimed Aſſiſtants for the year enſuing, and all other general Officers to be choſen as formerly. Moreover, all the Votes that are brought in for Nomination and Election ſhall be brought in by the perſon voting, or ſent in by the Deputy or the Conſtable of the Town where ſuch perſon dwelleth, or otherwiſe loſe their Votes: And if any perſon betruſted in this Order ſhall fail in diſcharge of his truſt, he ſhall forfeit ten pounds.

It is further Ordered, That the Commiſſioners of each County before they open their Votes, and ſo all that are admitted to receive in ſort, and count the Votes on the day of Election, ſhall be under Oath as the laſt year.

THis Court being ſenſible, that Perſons who belong to other Colonies or Plantations doe by their bringing into this Colony, or ſelling to the Inhabitants thereof their Neat Cattle, Sheep Horſes and Swine, thereby filling up our Market, and incapacitating our own Inhabitants to ſell what they breed and raiſe and pay Duties for, whereby much of our money is exported contrary to our Law, and no allowance is made to this Colony for ſuch Cattel, Horſes, Sheep, &c. for prevention whereof for the future,

It is Ordered by this Court and the Authority thereof, that henceforth for all Neat cattel, Horſes, Sheep and Swine, which ſhall be brought into this Colony by any Inhabitant of the other Colonies, or by any of this Colony going forth and buying any or all of the ſaid kinds above mentioned, the ſaid Perſons ſhall pay by way of Rate in money to the Treaſurer of this Colony for the time being, or his Order, theſe following Rates, *viz.* for all ſorts of Neat Cattel, Two Shillings and ſix pence *Per* Head; for Swine of all ſorts, One Shilling *Per* Head; for all Sheep or Lambs, Six pence *Per* Head, and for all Horſe kind, two Shillings ſix pence *Per* Head. And for the true and well effecting thereof, It is Ordered by the Authority aforeſaid, That all ſorts of Perſons whether Vendor or Buyer of any or all the kinds above expreſſed, ſhall, & are hereby obliged to make entry of all or any of the ſaid kinds at the firſt Town of this Colony through which they ſhall or may paſs, on the penaltyes hereafter expreſſed, *viz.* for all ſorts of Neat Cattel not ſo entered, forty Shillings *Per* Head; Horſes twenty Shillings *Per* Head; Sheep and Lambs five Shillings *Per* Head; Swine ten Shillings *Per* Head in money as aboveſaid And it is further Ordered, That the Clerk of the Writts of every Town, or ſuch whom the Treaſurer of this Jurisdiction for the time being ſhall appoint in every Town, ſhall be the perſons, and they only, for making of ſuch Entryes, and for receiving ſaid Rates, all which Entryes ſo made by any of the Perſons ſo deputed, ſhall contain in them the number of each kind, a true Copy whereof they ſhall give out to Vendor or Buyer under their hands, of any or all of the ſaid kind, which alone ſhall be their ſecurity in paſſing through any of the other Towns of this Colony, w thout being liable to ſeizure of any or all the ſaid kinds by any perſon or perſons whatſoever. And all perſons authorized and impowered, whether Clerk of the writts, or any other whom the Treaſurer of this Colony for the time being ſhall depute, ſhall make a true and juſt Entry of all ſuch kind in a Book, and ſtand obliged upon his or their Oathes to make a true Return to the Treaſurer of this Colony twice in the year; and all Fees for their Entry ſhall be three pence for an Entry, and three pence for a Copy, and paid by the Party, and twelve pence in the pound out of the money received: and that every Informer upon any defect therein, proſecuting to effect, ſhall have one third to himſelf, the reſt to be to the Country. And this Law to be in force on the twentieth of *November* next.

Cattle Rated.

FOr explanation of the Law, Tit. *Cask, Cooper, Gauger, Packer,* The Law for Cask is to be underſtood of all Cask dry as well as liquid: and *London Aſſize* is to be underſtood, Butts, one hundred twenty ſix Gallons; Puncheons, eighty four Gallons; Hogſheads, ſixty three Gallons; Terſes, forty two Gallons; Barrels, thirty one and an half Gallons &c. And the inſpection thereof ſhall be, and is hereby added unto the Gaugers Office of each Town, as he is and ſhall be from time to time under his Oath for the true performance of the ſame according to all the Particulars ſpecified in the ſaid Law.

Explanation of the Law Tit. *Cask, Cooper, Gager &c.*

IT is Ordered, That when any Clerk of the writts ſhall grant Attachment in a civil Action to any Plaintiff lying in Goal upon Execution for Debt, he ſhall require ſufficient Security to anſwer the Defendants Coſts, as in caſe of Strangers.

Direction for Clerks of the Writts.

FINIS.

At a Seſsions of the

GENERAL COURT

Held at Boſton *the 4th of March*

1680.

WHereas ſome Perſons on miſunderſtanding of the Laws formerly made againſt ſelling Arms and Ammunition to Indians, have been ready to tranſgreſs in that matter, This Court therefore ſees cauſe, and doe hereby revive that Law *Tit. Indians, Sect.* 2. ſtrictly inhibiting all Perſons from Giving, Selling, Bartering directly or indirectly, Guns, Powder, Shot, Lead, Arms or Ammunition to any Indian whatſoever, or mending or repairing Guns *&c.* as in ſaid Law is expreſſed, on the pains and penaltyes therein contained, any Law, Cuſtome or Uſage to the contrary notwithſtanding. Provided alwayes, that it ſhall be lawful for our Commiſſioners of the Colonyes, for the time being, by Note under their hands, to allow to our friend Indians, for neceſſary uſe, ſmall quantityes, not exceeding half a pound of Powder to one man at one time, and proportionably Shot or Lead.

By the *COURT*, *Edward Rawſon* Secr.

(87)

SEVERAL
LAVVS and ORDERS
Made at the Several
GENERAL COURTS
Held in Boſton in the Years 1680, 1681,

And Published by their Order:

Edward Rawſon Secretary.

MARCH 16. 1680.

IT is Ordered by this Court and the Authority thereof; That the late Law *Title* Troopers, made at the GENERAL COURT at their Seſſions, 13*th*. *Octob*. laſt, ſhall and is hereby Repealed.

MAY. 11. 1681.

THis Court taking into their conſideration the Law *title* Cattle rated in *October* laſt, ſee cauſe to Repeal the ſame: And it is hereby Repealed to all Rates on Cattle Repealed.
Iments and Purpoſes ſo far as it relates to ſuch as are in Confederation with us.

Conſtables and Clerks, how to Collect Rates.

Courts reſolve to the Queſt. as to Conſtabl. and Clerks to collect Rates.

Queſt. WHither Conſtables in Towns, and Clerks of the Trained Bands, and ſuch like Officers as may be appointed to Collect Rates, or Fines, are not to Execute all Warrants from lawful Authority, for Levying of ſuch Fines and Rates, if not committed to any former Officer, although due before ſuch Conſtable, Clerk, or other Officer were ſworn: The Court reſolves this Queſtion on the Affirmative.

Loaf-Bread Bakers.

OCTOBER. 12th. 1681.

Order regulating Loaf-Bread Bakers, and price of Wheat.

IN Anſwer to the Complaint of the *Loaf-Bread Bakers.* It is Ordered by this Court; that the Freemen of the *Town* of *Boſton*, and ſuch other *Towns* as ſhall have any conſiderable uſe of the Bakers *Trade*; ſhall Annually, or otherwiſe as they ſhall judge beſt, make choice of three or more meet Perſons in their own *Town*, to inquire into the middle price of VVheat, how it is ſold by quantities, and they or the major part of them in ſuch *Towns* agreeing thereon, ſhall publiſh to all the Loaf-Bread Bakers, and Clerks of the Market in the *Town*, once every Moneth, or as often as they ſee cauſe, the middle price of VVheat: At which price the ſaid Bakers ſhall bake their Bread for the following Moneth, or until a new price be declared: and that when the Clerks of the Market do meet with crufty and ſtale Bread they ſhall not take it away, as forfeited, except it want one ſixteenth part of the

Courts reſolve as to the Queſtion about Judgement.

Queſt. WHither a Judgement granted by a County Court held by Adjournment where a ſtated Court hath intervened in the ſame County, though not in the ſame *Town*, be Legal: *The* Court reſolves this Queſtion on the Negative.

How Execution is to iſſue out on a dead mans Eſtate.

WHen an Obligation is put in Suit wherein perſons ſtand bound joyntly and ſeverally, and Judgement comes thereupon: all being named in the Proceſs; though but one Attached: whither Judgement ought not, according to the form of the Proceſſe to be entred againſt all and either:

The Court Reſolves this Queſtion on the Negative: for that Execution ought not to go againſt any Perſon not Summoned to Anſwer.

When Judgement is granted againſt a Perſon, and he dieth before Execution be taken out; whither that Judgement do not ſtand in force againſt his Heirs, Executors, or Adminiſtrators & whoſoever of them is anſwerable in Law. and Execution to be granted againſt ſuch Executors or Adminiſtrators, &c. *The* Court reſolves this Queſtion on the Affirmative, and to prevent inconvenience or wrong to ſuch eſtates, the perſon againſt whom the Execution comes ſhall have liberty to review the ſame.

It

INDIANS.

IT is Ordered by this Court and the Authority thereof; that all *Indians* that belong to this Juriſdiction except Apprentices or Covenant-Servants for years, are to live among, & under Government of the Indian Rulers of *Natick*, *Punkapaug* or *Wameſit*, which are places allowed by this Court, and appropriated for the *Indians* to live in; where there is Land ſufficient to improve for many Families more than are of them: and if any ſhall refuſe to comply with this Order, It is referred to the Select men of every Town, by VVarrant under their hand, to ſend ſuch *Indians* or *Indians* to the Houſe of Correction or Priſon, until he or they engage to comply with this Order. Order to Regulate Indians

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February 15. 1681.

FOR THE SATISFACTION OF

HIS MAJESTY.

And the better Regulating of the *NAVIGATION* and *TRADE* of this *JURISDICTION.*

And in Purſuance of a Law made *October the tenth* One thouſand ſix hundred ſeventy ſeven, Referring thereunto.

NAVAL OFFICE.

IT is Ordered and *Enacted* by this Court and the *Authority* thereof, that the *Act* of Parliament made in the twelfth year of His *Majeſties* Reign, *Entituled* an *Act* for encouraging and encreaſing of Shipping and Navigation; and the *Act* made in the fifteenth year of His *Majeſties* Reign, *Entituled* an *Act* for the encouragement of Trade, be forthwith Publiſhed in the Market Place in Boſton, by beat of Drum; *And* that all Clauſes in ſaid *Acts* Relating to this Plantation be ſtrictly taken notice of, and obſerved, as ſaid *Acts* Require.

It is further Ordered by the *Authority* aforeſaid, that a Naval Office be forthwith Erected, and ſettled in the Town of *Boſton*, for the Entring of Ships and other Veſſels, Outward and Inward Bound, for the taking of Bonds, receiving and granting Certificates for their Clearing, according as in ſaid Acts is directed: And all Commanders and Maſters of Ships and other Veſſels are required to take notice hereof, and to make their Entries, to give Bonds and receive and produce Certificates in ſaid Office as they are reſpectively Concerned, on the penalties in the aforeſaid Acts of Parliament expreſt. Naval Office Erected in Boſton for Entring Bonds, receiving and granting Certificates

Provided

Provided, ſuch Veſſels as paſs to and fro within our Harbours, or Rivers, ſhall not be Obliged to *Enter*, and give Bond as aboveſaid; nor ſuch Veſſels as paſs from Port to Port on the Main Sea, on the Coaſt of *New-England*; Unleſs they take in for their own Stores, and Trade in ſome of His *Majeſties* Colonies in *New-England* more then one Tun of each of the Commodities enumerated in ſaid Acts.

And for the due Execution of ſaid Office:

James Ruſſel Eſq Officer in *Boſton.*

It is Ordered, That *James Ruſſel Eſqr.* who was choſen by this Court, *January* the eleventh one thouſand ſix hundred and eighty be the Officer, who ſhall have Commiſſion under the hand of the Governour, or Secretary, and Seal of the Colony, and be Sworn by ſaid Governour to the faithful Diſcharge of the ſame; which Officer ſo Authorized, ſhall keep fair Books of all *Entries*, Certificates and Bonds, which ſhall alwayes be liable to the view of any Officer, or other Perſon that may inform of the breach of ſaid *Acts*; or other Laws in purſuance thereof, or referring to the Trade of this Juriſdiction.

Benj. Gerriſh Naval Officer at *Salem.*

And for the greater eaſe of the Town of *Salem* and adjacent Ports, *Benjamin Gerriſh* is appointed the Officer in the Town of *Salem*; who ſhall in like manner be Sworn, and ſhall make *Entries*, take Bonds, and receive and grant Certificates, as the ſaid Officer in *Boſton*, is obliged to do: & ſhall alſo once in ſix Moneths Return fair Copies of all Bonds by him taken, unto ſaid Officer in *Boſton*; who ſhall in like manner from time to time, once in ſix Moneths deliver fair Copies of all Bonds to the Governour: and ſhall receive for his Service referring to the Premiſes ſuch Fees as by Law are allowed to Recorders and Clerks of County Courts.

His Fees as Clerks of County Co.

And for the Governours Signing a Certificate for their Clearing the Fee ſhall be *two ſhillings.*

Gov. Fee for ſigning a certificate.

It is further Ordered by the *Authority* aforeſaid, that if any Perſon ſhall deſire and obtain a Special Court for the Trial of any Caſe referring to the Premiſes, he ſhall give in uſual Caution to reſpond all Coſts, before Warrants be iſſued forth, to aſſemble ſaid Court and Jury; and if any perſon be damnified by falſe Information, wrongful Searching, or ſeizing any Goods, Ship, or other Veſſel, he may Recover the ſame by an *Action* of the Caſe, in any Court or Courts of Judicature, according to the uſual courſe of Law.

And for the Encouragement of his Majeſties Officer or Officers, and all Informers:

It is hereby Declared, That ſaid Officer or Officers and Informers, ſhall from time to time be aided and aſſiſted by all Marſhals, Conſtables and other Officers, by Warrant from the Governour, Deputy Governour, or any Magiſtrate, in the proſecution of the breaches of ſaid *Acts* of Trade and Navigation.

Naval Officers Oath

WHereas you J. R. *are Choſen Naval Officer for the ſeverai Ports of the* Maſſachuſets Colony, *and have received a Commiſſion from the Governour and Company of ſaid Colony for the Execution of that Office,* You do Sweare by the Great Name of the ever living God, that you will carefully and duely attend the Execution of the ſaid Office, according to the tenour and true intent of your Commiſſion, and the Laws of this Juriſdiction. *So help you God.*

Weigh-

WEIGHTS.

IT is Ordered by this Court and the Authority thereof; that henceforth the new Braſs Weights, that are lately come from *England*, and have been Sealed at the *Exchequer* in *Weſtminſter* as appears by a writing teſtimonial under the hand of Mr. *John Low*, and Mr. *Nicholas Stuart* principal Officers there and Sealers of the ſaid Office, are juſt and true *Averdupoiſe* VVeights, ſuch as are uſed in *London*; divers of which are Bell-faſhioned, *viz.* one fifty ſix pounds, one twenty eight, one fourteen, one ſeven, one four one two, and one pound; the reſt are flat VVeights, and are one half pound, one quarter, one eighth part, and one ſixteenth, or Ounce; as alſo one half ounce, one quarter of an ounce, one eighth, and one fifteenth part of an Ounce, ſhall be the Standards for this Colony of *Maſſachuſets*; by which all other Weights are to be Sized: and that the Country Treaſurer iſſue forth his VVarrants forthwith to the Conſtables of every Town in this Colony to provide at their Town charge all the aboveſaid VVeights of Braſs or Lead, by the tenth of *May* next; which are to be brought in to the ſaid Treaſurer, or whom he ſhall apoint, to be Sized and Sealed by the aforeſaid VVeights: and henceforth it ſhall not be lawful for any Perſon to buy or ſell by any other weights, or Steelyards, but ſuch as are Sealed by, and made agreeable with the aforeſaid Standard: and the penalty of ſuch as neglect, or act contrary to this Order ſhall be the ſame, and diſpoſed of according to the Order of this Court, made in *May* 1680. *Title Meaſures.* Weights

IT is Ordered by this Court and Authority thereof, that the 12*th*. Section of the Capital Laws *title* Conſpiracy. Rebellion: and the 18*th* Section of ſaid Laws, *title* Rebellious Son, and alſo the Law referring to *Chriſt maſs*, Page 57, 58. and the word (*Common-wealth*) where it imports Juriſdiction, is hereby Repealed; and the word *Juriſdiction*, is hereby inſerted.

If

CONSPIRACY.

IF any Man Conſpire and Attempt any Invaſion, Inſurrection, or Publick Rebellion againſt the *KINGS Majeſty*, His Government here eſtabliſhed, or ſhall endeavour to Surprize any Town or Towns, Fort or Forts therein, or ſhall treacherouſly and perfideouſly attempt the Alteration, and Subverſion of our Frame of Polity or Government Fundamentally, he ſhall be put to Death.

FINIS.

AT A GENERAL COURT

Held at Boston; *May* 24th. 1682.

THis *Court taking into consideration the frequent Exportation of our* New England *Coyne out of the Country, whereby Commerce and Trade is very much Obstructed, As an Expedient to keep Money in the Country:*

It is Ordered that all Pieces of Eight, as *PILLAR, SEVIL,* and *MEXICO* Coyne, that are good Silver, shall pass amongst us as currant Money of *New England* according to their weight in the present *New-England* Coyne.

By the Court,

Edward Rawson Secr.

SEVERAL LAWS

Made at the ſecond SESSION of the

GENERAL COURT

Held at Boſton, October 11. 1682.

And Printed by their Order,

Edward Rawſon Secr

FOR the Prevention of great Trouble and Inconvenience that often befals Maſters and Commanders of Ships and other Veſſels by reaſon of their Men running themſelves into Debt to ſeveral Perſons in the Ports where they arrive, and not being able to Diſcharge their ſaid Debts, are reſtrained or impriſoned for the ſame, to the great hindrance and prejudice of the Commanders and Owners of ſuch Ship or Veſſel:

It is Therefore Ordered and Enacted that after the Publication hereof, no perſon whatſoever do Truſt or give Credit to any Mariner or Seaman belonging to any Ship or other Veſſel, arriving from forreign parts, without the knowledge and conſent of their Maſter or Commander: nor ſhall any Proceſs or Attachment be granted againſt any Seaman or Mariner for Debts and Engagements made as aforeſaid: And if through any careleſneſs, or miſtake in any Officer, any ſuch Proceſs or Attachment be granted, it ſhall be eſteemed void in Law

no credit to be given to Mariners without conſent of their Maſter or Commander.

AS an *Addition to the Law*, Title *Attachments*:
It is Ordered by this Court and the Authority thereof, that after the Publication hereof, no Stranger ſhall have any Proceſs or Attachment granted againſt a Stranger before the Plaintif give in ſufficient Caution or Security to Reſpond all Coſts & Damages that ſhall be judged againſt him; nor ſhall any Ship or other Veſſel arriving from forreign parts; or the Maſter or Commander thereof be Arreſted or Reſtrained without the like ſufficient Caution or Security given by the Plaintif to Reſpond all Coſts and Damages as aforeſaid.

No Attachment againſt Ships or Maſter arriving from forreign parts; nor to a Stranger againſt a Stranger, before Caution.

WHether *the Conſtable of a Town to which any Peculiar is Annexed for the Payment of Publick Charges, may Act as a Conſtable in ſuch Peculiars, as he may in ſaid Town?* The Court Reſolves this Queſtion in the Affirmative.

WHereas *there are in ſundry of our Towns, and eſpecially in* Boſton, *many Idle Perſons in Families as well as other ſingle perſons, who are greatly, if not altogether negligent in their particular Callings: and ſome that do not follow any lawful Imployment for a Livelihood; but miſpend their Time and that little which they earn, to the Impoverriſhing, if not utter undoing of themſelves and Families*: For Prevention whereof;

It is Ordered by this Court and the Authority thereof, that the Tithing men in each Town ſhall inſpect all ſuch Families and Perſons, and ſpeedily return their Names to the Select men of the Town where they dwell, who ſhall forthwith return them to the next Magiſtrate: and (if in *Boſton*) to any of the Magiſtrates or Commiſſioners there, who are hereby Impowred to iſſue out Warrants to the Conſtable of the reſpective Town, to require ſuch Perſon or Family to work in or about any Imployment they are capable of in the Town or Place where they reſide: And if they refuſe to be Regulated as aforeſaid, then to be ſent by ſaid Authority to the Houſe of Correction, and there received according to the Orders of that *Houſe*, and kept to work: *And that ſuch Perſons and Families may be provided for*, It is Ordered that all their clear Earnings ſhall (by ſaid Select men, or their Order) be laid out in Neceſſaries ſuitable for them or their Families Uſe and Relief; and that their Wages ſhall from time to time be ſtated by ſaid Select men: And if any perſon or perſons ſhall think themſelves wronged thereby, they may complain to the County Court for their Relief.

Law for Regulating Idle Perſons.

THis Court on 24*th*. of *May* laſt taking into Conſideration, the frequent Exportation of our *New-England* Coyn out of the Countrey, whereby Commerce and Trade is very much obſtructed; As an Expedient to keep Money in the Countrey, did Order that all pieces of *Eight*, as *Pillar*, *Sevil* and *Mexico* Coyn, that are good Silver, ſhould paſs amongſt us as Currant Money of *New England*, according to their weight in the preſent *New-England* Coyn: As an Explanation of that Law: it is to be underſtood, and it his hereby Declared that thoſe pieces of *Eight* in the Law mentioned ſhall be paid & received at ſix ſhillings eight pence *per* Ounce, *Troy weight*: and all ſmaller pieces of the like Coyn that are good ſilver, ſhall paſs at the ſame price and weight.

At what Rate pieces of *Eight* to paſs.

This

THis Court being informed by the Right Honourable the Earl of Frontineac *Governour of* Canada, *and Monſieur de la* Valier *Governour of* Accadie, *that ſeveral of the Inhabitants of this* Colony, *have committed Irregularities, in their Trading, making of Fiſh, and fetching of Coals within the Territories belonging to the* French; *contrary to the Treaty and Ratification of the Articles of Peace Concluded at* Breda, *between the Crowns of* England *and* France: *For the Prevention of the like Practice for the future, and the preſervation of a good Correſpondence between our Neighbours of* Canada *and* Accadie *above mentioned, and our ſelves:*

Courts Declaration againſt Inhabitants Trading in the Precincts of *Canada* or *Accadye* without Licenſe.

It is hereby Declared, that this Court doth not Allow and Approve of any ſuch Irregularities, and that all perſons ſo offending are liable to the Penalties and Forfeitures Provided againſt them by the Laws of thoſe Governments where ſuch Offences ſhall be committed.

AS an Addition to former Laws about Swine:

It is Ordered by this Court and the Authority thereof, that all Swine going at liberty ſhall be conſtantly Ringed ſufficiently to prevent their Rootings, upon the Penalty of *ſix pence* on every Swine, in Money to be paid as a fine; the one half to the uſe of the Town where ſuch Swine do Root, the other half to the Informer, to be Levyed by Warrant from the Select-men; beſides all Damages done in Commons or Proprieties, Fenced or not Fenced, any Law, Uſage or Cuſtome to the contrary notwithſtanding.

Swine to be Ringed on penalty.

IN Caſe of Damage of Goods in Board of any Ship or other Veſſel Arriving here, where there is any need of Surveying as is uſually practiſed:

It is hereby Ordered and Enacted, that there ſhall be ſuitable Perſons appointed in the ſeveral Sea-port Towns of this Juriſdiction, as Surveyors, who ſhall be Sworn to the faithful diſcharge of that Truſt, And be called as often as there is occaſion to view ſuch Goods as are damnified, before they be unſtowed, or any two of them, who are to make a Return under their hands to the perſons concerned, if they deſire it: who are to be ſatisfied by the Maſter of the ſaid Ship or Veſſel that Imployes them: and the Perſons appointed to perform this Truſt in the ſeveral Towns, are, for *Boſton*, Mr. *Chriſtopher Clark*, Mr. *John Fairweather*, Mr. *Timothy Prout* Senior; for *Charlſtown*, Capt. *John Long*, Mr. *John Tramble*, Mr. *Elias Row*; for *Salem*, Mr. *John Brown*, Mr. *John Hardy* Senior, Capt. *Richard More*; for *Marblehead*, Capt. *Samuel Ward*, *Ambroſe Gale*, *Richard Reith*, and for *Newbury*—— And the Perſons to be appointed for this Service be choſen from time to time yearly by the Inhabitants of ſuch Towns as aforeſaid, who have liberty to make choice of other Officers.

Goods Damaged to be Surveyed by, &c.

This

Lands or Grants to be Surveyed only by Surveyers on Oath.

THis Court doth Order, that no Countrey Grants of Land ſhall henceforth be laid out, but by ſome known able, and approved Perſon whom this Court ſhall appoint, who ſhall be upon Oath to Act faithfully in that work, and make Return under their hands of all ſuch Land laid out by them, with the Quantity, in a fair Draught or Plat, together with the Quality as near as they can: In purſuance of this Order, This Court appoints and allows of Capt. *Eliſha Hutchinſon*, Mr. *Jonathan Danforth*, Mr. *John Flint*, Mr. *Samuel Andrews*, Mr. *David Fiſk*, Mr. *William Carr*, Mr. *Joſeph Hawley*, and Mr. *Samuel Marſhfield* to be Surveyors, any one of them to lay out ſuch Countrey Lands as any perſon have had, or ſhall have Grants from this Court. And the ſaid perſons ſhall take this following Oath at ſome County Court before they act in Surveying any ſuch Land.

Surveyors Oath.

YOU Swear by the Great Name of the Everliving God, that you will faithfully and impartially, according to the beſt of your skill, Survey and Meaſure ſuch Grants of Land that are made by the General Court to any Perſon or Perſons within this Juriſdiction; and preſent a fair Draught and Plat of ſuch Land to this Court; therewith certifying the Quality, as near as you can underſtand it, as well as the Quantity of ſuch Land, all which you ſhall make Return of to this Court under your hands

So help you God.

Coun. Courts power to im; power Heirs, Executors and Adminiſtrators to make Deed of Sale &c,

WHereas it often falls out, that Men make Bargains and Sales of Land, and ſometimes receive part or all the pay for the ſame before the Deeds of Sale are perfected according to Law; the Grantee confiding in the fidelity of the Perſon that ſells; and after that, the Granter dies.

It is hereby Ordered and Enacted, that it ſhall be lawful and in the power of the County Court where the Land lies (the Bargain being legally proved to the ſatisfaction of the Court) to impower the next Heir, or Executor, or Adminiſtrator to the Eſtate, to Draw and Sign Deeds of Sale for the ſame.

IT is Ordered by this Court and the Authority thereof, that all Informers of the breach of Law by Unlicenſed perſon or perſons whatſoever, to any Court, making proof thereof, ſhall henceforth have one clear Third part of the Fine Impoſed and Received for ſuch Breach.

FINIS.

A N

ORDER

FOR REGULATING CONSTABLES PAYMENTS,

And for the Rating of Unimproved Lands; and Relating to Troopers, Made at the ſecond Seſſion of the

GENERAL COURT

Held at *BOSTON*, *Octob.* 11. 1682.

Edward Rawſon Secr'

WHereas it is informed, that ſeveral Conſtables have not made up their Accompts with the Treaſurer; and that there is much of the laſt Years Rates yet unpaid:

This Court doth Order, that what is ſo unpaid, be paid in according to the valuation of all ſorts of Corn made this preſent Court.

It

IT Appearing a Grievance among us that ſundry Gentlemen, Merchants and others, having great Tracts of Land, bounded out to them in Propriety, pay not to Publick Charges; althongh they have a conſiderable profit to themſelves by the continual Riſe of the eſtimate of ſaid Lands: For the Eaſing whereof;

It is Ordered by this Court, that all Lands circumſtanced as is above premiſed, ſhall in the Levy now to be made by this preſent Court, for payment of the Countrey Debts, pay unto the Treaſurer of the Countrey two ſhillings Money for every hundred Acres: and in like proportion for leſſer quantities.

AND it is Ordered, that the Select men of every Town and Peculiar within this Juriſdiction, ſometime in the Moneth of *November* next, ſhall Aſſeſs all Lands within their Town bounds, liable to be Rated by this Order; And alſo to Aſſeſs all Countrey Grants of Lands called Farms, belonging to peculiar perſons that lie neareſt unto ſuch Town or Towns; and to draw up fair Liſts of the ſaid Aſſeſsments, with the Names of the perſons, and Quantities of Lands Aſſeſſed, and Deliver the ſaid Liſts to the Commiſſioners choſen to examine this years Rates, who are required to meet at the Shire Town, the ſecond *Tueſday* of *December* next, who are ordered carefully to examine the ſaid Liſts and Aſſeſsments, and tranſmit the ſame with all ſpeed to the Treaſurer of the Countrey being perfected and ſubſcribed with their Names: And the Treaſurer is required to iſſue forth his Warrants to the Conſtables of the ſeveral Towns, to Collect for ſuch Lands as lie in their Bounds; and to the Marſhal General, or Marſhal of the County, to Collect for ſuch Lands as lie not in any Town Bounds; who ſhall Collect the ſame, and return it to the Treaſurer as the Law directs.

And it is further Ordered, that the ſaid Commiſſioners give in to the Treaſurer the number of the *Troopers* in their reſpective Towns, and he to grant out Warrants to the Select Men to aſſeſs, and the Conſtables to Collect what may ariſe to be due to the Country upon the Duplication of Rates, for this preſent year.

And for the better effecting of this Order about the Rating of Unimproved, Lands.

It is Ordered by this Court, that the Major General, Captain *Fiſher*, Captain *Eliſha Hutchinſon*, and Lieut. *Jonathan Danforth*, together with the Secretary, be a Committee forthwith to examine the Court Records and Returns of all Grants of Farms and Out-lands, laid out without the Bounds of any Townſhips; who are Ordered and Deſired to make a Liſt of all Out lands they can by any means gain the knowledge of, as to the quantity of the ſame, and to whom at preſent they do belong, and where they do lye: and to tranſmit the ſame Liſts unto the Country Treaſurer, that they may be added to, and compared with the ſeveral Counties Liſts, that ſo no Lands may be omitted, or twice Entred. Major *John Pynchon*, and Lieut. *John Smith* in *Hampſhire*, are appointed to do the like, and make like Certificate:

And that the Treaſurer forthwith ſend forth his Warrants to the Select Men of each Town accordingly.

FINIS.

SEVERAL LAWS MADE AT THE General Court

Called and Held at *BOSTON* on the ſeventh of *February.* and Continued by *Adjournment* to the thirty firſt of *March* 1683.

And by their ORDER Printed and Publiſhed;

By *Edward Rawſon* Secretary.

WHereas *by the Law, title* Mines; *It is Provided that the fifth part of Gold and Silver Oar, which is found in this Colony, ſhall be paid to the Kings Majeſty, his Heirs and Succeſſors: and there being Rumors of ſuch Mines found in this* Juriſdiction;

Law to prevent all deceit by opening of Mines, &c. that His Majeſty may have his due, &c.

It is therefore Ordered by this Court and Authority thereof, that ſome meet Perſons be appointed from time to time by this Court to make Enquiry after ſuch Mines, and do their uttermoſt endeavour: that a fifth part of the ſaid Oar be reſerved for His Majeſty, and that they take care that His Majeſty may have his juſt due for the ſame, both in quantity and quality: And it is further Ordered, that if any Perſon or Perſons ſhall make Diſcovery of any Royal Mine or Mines,

of Gold or Silver, and ſhall Improve ſaid Mine or any part of it to his own uſe and benefit before he hath given Account and Information to the Officer that ſhall be appointed as aforeſaid, the Perſon ſo tranſgreſſing ſhall forfeit the treble value thereof, and ſhall be fined ten pounds for one Offence. And Mr. *Jeremiah Dummer* is Appointed to be the Officer till this Court take further Order.

As an Addition to the LAW title NAVAL OFFICE.

IT is Ordered that the Port of *Boſton*, to which *Charlſtown* is annexed, and the Port of *Salem*, to which *Marble-head*, *Beverly*, *Gloceſter*, *Ipſwich*, *Rowley*, *Newbury* & *Salisbury* are annexed as Members: are and ſhall be the lawful Ports in this Colony, where all Ships & other Veſſels ſhall Lade or Unlade any of the Plantations enumerated Goods, or other Goods from foreign parts, and no where elſe, on penalty of the Confiſcation of ſuch Ship or Veſſel, with her Goods, Tackle, *&c.* as ſhall Lade or Unlade elſewhere.

Addition to the Law *title* Naval Office.

II. That no Ship or other Veſſel Arriving from Forreign parts, ſhall break Bulk before Entry with the Governour and Naval Officer if they come into the Port of *Boſton*, and in all other Ports not before Entry with the Naval Officer, on penalty of Confiſcation of Ship and Goods, and when the Maſters of ſaid Ships or Veſſels are not Inhabitants in this Colony, then into whatſoever Port they Arrive, their Emry ſhall be made with the Governour and Naval Officer that belongs to the Port where they Trade.

III. That no Ship or other Veſſel ſhall Lade or Unlade any part of their Cargo in the night ſeaſon, that is not of the growth of this Countrey, unleſs it be in caſe of neceſſity, and then notice to be given to His Majeſties Officer upon the place, if any be there, on penalty of Confiſcation of ſaid Goods.

IV. That no Ship or other Veſſel ſhall take on Board any of the enumerated Plantation Commodities more then their Ships Store, before they have given Bond, or ſhew a Certificate that they have already given Bond, as the Act of Parliament requires, on penalty of Confiſcation of ſuch Ship and Goods, unleſs they be ſuch as paſs from Port to Port of our own Juriſdiction; who are then to have a Permit ſigned by the Naval Officer.

V. And for the Information and Satisfaction of all perſons concerned: It is hereby Declared, that His Majeſties Officer hath power to ſieze any Ship or Veſſel he judges forfeited to His Majeſty in order to her Trial, and that he hath liberty to ſearch all Veſſels, that are outward Bound, and to put Waiters on Board all Ships inward Bonnd.

VI. And that the time of Entring and Clearing at the Naval Office be betwixt the hours of ten and twelve, in the Forenoon, and two and four in the Afternoon.

VII. That no Veſſel of twenty Tonnes and upward, except ſuch

as

as fetch Wood, Board, Stones or Lumber, ſhall paſs the Caſtle without a Let paſs from the Governour for the time being, if reſident in Boſton, and in his abſence from the Deputy Governour, on penalty of twenty Pounds.

AS an Addition unto, and Explanation of the Law titlo *Shipping*, Page 141.

It is Ordered by this Court and Authority thereof, that no perſon ſhall Trade with any Ship -- Veſſel Arriving on our Coaſt. until they are brought to Anchor in one of the Ports aſſigned and appointed in the Law *title* an Addition to the Laws *title* Naval Office, on penalty and forfeiture provided in the ſaid Law *title* Shipping.

perſons penal- to Trade with Ships on the Coaſt before come into tho Harbour.

IT is Ordered by this Court and the Authority thereof, that the Law made *October 15th.* 1673. Intituled as an Addition to the Law *title* Freemen, Section the third is hereby Repealed.

Law in Page 73. as to Freemen Repealed

THis Court being informed that there are ſeveral Commiſſion Officers in this Juriſdiction that have not their Commiſſions according to Law.

It is therefore Ordered by this Court, that each Clark belonging to the ſeveral Military Companies in this Colony, ſhall within one Moneth after the publication hereof, repair to the Secretary, and take out ſuch Commiſſions as ſhall be wanting, and them to deliver to each Commiſſion Officer belonging to their own Company, as they ſhall be directed; And ſo from time to time within one Moneth after any Commiſſion Officer is Choſen and Appointed by this Court: And if any Clerk ſhall neglect his Duty herein, he ſhall forfeit the ſum of twenty ſhillings to the uſe of the Company.

Commiſſions to Military Officers to be taken out by the Clerks of Companies within one Moneth, &c.

FINIS

AT A

General Court

Held at BOSTON *May.* 16. 1683.

THis *Court Conſidering that Cattle are Rated to the Countrey at a greater value than they will yield from Man to Man*: Doth therefore Order, that henceforth all Neat Cattle ſhall be Rated to the Countrey, *viz.* Oxen at four years old and above, at three pounds a piece; all Cows, and Steers at three years and above, at forty ſhillings a piece; and all of two years old, at thirty ſhillings a piece; and Yearlings, at fifteen ſhillings a piece; and Swine at a year old, at ten ſhillings.

By the COURT

Edward Rawſon Secr't

300

AT A

General Court

Held at BOSTON *May.* 16. 1683.

THis Court Conſidering that Cattle are Rated to the Countrey at a greater value than they will yield from Man to Man: Doth therefore Order, that henceforth all Neat Cattle ſhall be Rated to the Countrey, *viz.* Oxen at four years old and above, at three pounds a piece; all Cows, and Steers at three years and above, at forty ſhillings a piece; and all of two years old, at thirty ſhillings a piece; and Yearlings, at fifteen ſhillings a piece; and Swine at a year old, at ten ſhillings.

By the COURT

Edward Rawſon Secr't

SEVERAL

LAWS

MADE AT THE SECOND SESSIONS OF THE

General Court

Held at BOSTON October 10. 1683. And Publiſhed by their Order:

Edward Rawſon Secr.

Law as Publick Charges Repealed from June 10 1684.

IT is Ordered by this Court and the Authority thereof, That all the Laws under the Head or Title of Impoſts; Impoſt on Wine & ſtrong Liquors; Impoſt upon all goods & Proviſions, with any Explanation or Addition made thereunto; and the Law Title Publick Charges, Section the third, referring to the Treaſurer, iſſuing out Warrants to the Conſtables, for Collecting of Aſſeſsments yearly, ſhall be and remain in force for the preſent Year, and until the tenth day of *June*, which will be in the Year *Sixteen hundred eighty and four*, and for no longer time; Any Law Uſage or Cuſtome to the contrary notwithſtanding.

AS an Addition to the Law Title *Schools*:
This Court doth Order and Enact; That every Town conſiſting of more than five hundred Families or Houſholders, ſhall ſet up, and maintain two Grammar Schools, and two Writing Schools; the Maſters whereof ſhall be fit and able to Inſtruct Youth, as ſaid Law directs. *Addition to the Law for Schools both Grammar & Writing, &c*

And whereas the ſaid Law makes the Penalty for ſuch Towns as provide not Schools as the Law directs, to pay to the next School ten pounds:
This Court hereby Enacts, that the Penalty ſhall be twenty pounds where there are two hundred Families or Houſholders.

AS an Addition to the Law Title *Inkeepers*: *Whereas the Law* Section 3d. *Impoſes a Fine of* five ſhillings *on the Licenſed Perſons that are the breakers of that Law;*
This Court doth Order, that the Penalty for the Breach of that Law ſhall henceforth be *forty ſhillings.*

FOr the Prevention of Deceit and Couſenage by Perſons being taken by Execution, or delivering themſelves over as Servants unto any, thereby to prevent their Creditors taking hold on them.
It is Ordered and Enacted by this Court and the Authority thereof, that henceforth no Perſon or Perſons ſhall be taken or delivered over by Execution. or ſhall deliver up themſelves to any one or more of their Creditors in way of Service for ſatisfaction of any Debt or Debts, owing by him or them, unleſs it be with the knowledge and approbation of the Court of that County where ſuch Debtor or Creditor dwell, that they may receive ſatisfaction in the juſtneſs of the Debt, and likewiſe ſet the time that the Debtor ſhall ſerve; and that it may be publickly Declared that he is a Servant:
Provided this Order ſhall not be Interpreted ſo as to obſtruct the legal Procedure of any other Creditors, againſt any Perſon ſo diſpoſed to Service, either formerly or hereafter.

FINIS.

A T A SPECIAL

General Court

Held at BOSTON *Novemb. 7.* 1683.

THis Court being ſenſible of the great Ruines in Boſton *by Fire, at ſundry times, and hazard ſtill of the ſame, by reaſon of the joyning and nearneſs of the Buildings: For the prevention of Damage and loſs thereby for the future;*

Do Order and Enact, That henceforth no Dwelling-houſe, Warehouſe, Shop, Barn, Stable, or any other Houſing, ſhall be Erected and ſet up in *Boſton*, except of Stone, or Brick, and covered with Slate or Tyle; on penalty of forfeiting one hundred pounds in Money to the uſe of the ſaid Town for every Houſe built otherwiſe, unleſs by allowance and liberty obtained from this Court, from time to time; And the Conſtables, and Grand-jury-men of the ſaid Town, are to take care for the Execution of this Order, and preſent the breach thereof to the County Court of *Suffolk*, that perſons tranſgreſſing, may be proceded with accordingly: And further, the Select Men of *Boſton* are hereby Impowred to hear and Determine all Controverſies relating to the Boundaries of the Lands of ſuch Perſons whoſe Houſes have been burnt down in the late Fires, and liberty of Appeal to the County Court being allowed to any perſon agrieved. And the Law Title *New Buildings* in *Boſton*, made *Octob.* 15. 1679. is hereby Repealed reſpecting Buildings to be Erected.

By the Court *EDWARD RAWSON* Secr.

AT A

General Court

ON ADJOURNMENT, *Held at* BOSTON

Feb. 13 $168\frac{3}{4}$

THAT *for Incouragement to Build in* Boſton *with Brick and Stone according to a Law made the laſt Seſſion; As an Addition to the ſaid Law:*

It is Ordered and Enacted, that whoſoever ſhall ſo Build, ſhall have liberty to ſet half his Partition-Wall in his Neighbours Ground, leaving Jagges in the Corners of ſuch Walls, for the Neighbours to Adjoyn their Building to; And that when the ſame ſhall be Built unto, the Neighbour Adjoyning ſhall pay for half the Wall ſo far as he ſhall Adjoyn: And in caſe of Difference, that the Select Men have power to appoint Perſons to make Valuation, or lay out the Line between ſuch Neighbours.

By the COURT, *Edward Rawſon* Secr't.

SEVERAL

LAWS and ORDERS

Made by the

General Court,

Held at *Boſton* the *7th* of *May*, 1684.

Impoſt on Wine & ſtrong Liquors in force till *June* 10. 1685

IT is Ordered by this Court and the Authority thereof, that the Laws *title* Impoſts, and Impoſt on Wine and ſtrong Liquors, with the Explanations and Additions made alſo thereunto, ſhall be and remain in full force from the tenth day of *June* next inſuing, until the tenth day of *June*, which will be in the year one thouſand ſix hundred eighty and five.

Nuſances to be removed within twelve hours on penalty.

THere being Complaint made of great inconvenience by reaſon of Filth and Dirt caſt into the Streets of Boſton *and other Towns, and of the neglect of Butchers to cleanſe their Slaughter-houſes and Yards of Blood and other Filth; although ſuch Houſes and Yards are ſcituate near Streets and Lanes much frequented:*

This Court doth Order and Enact, that all Perſons ſo offending ſhall forfeit twenty ſhillings to the uſe of the Town

except ſuch Annoyance be removed within twelve hours after Complaint thereof made to lawful Authority.

How Executions are to iſſue forth

WHether Executions upon Judgments, ought not to be iſſued forth according to the form of Proceſs upon which ſaid Judgments are founded, *viz.* againſt the Goods and for want thereof the Perſon; the Court reſolves this Queſtion on the Affirmative, as to perſonal Debts.

IN Anſwer to the Petition of Major *Robert Pike*; It is Ordered by this Court, that Major *Pike* be allowed to Lyſt ſo many Men for Troopers out of the three foot Companies of *Haveril*, *Salisbury* and *Amesbury*, in proportion to the number of the ſaid Company as to make his Troop forty eight men beſides Officers; Provided this Troop be under the Command of Major *Robert Pike* for their Captain; and Major *Pike* is ordered to preſent to the next Seſſions of this Court the names of other Commiſſion Officers to compleat the ſaid Troop.

And in Lyſting the ſaid Addition out of the Foot Companies; This Court doth diſpenſe with qualification of the perſons in point of eſtate paying in the Country Rate, Provided they be otherwiſe qualified with ability of body and ſufficient Horſe and Armes.

Quere

WHither it be not expedient for this General Court to appoint a Seal for the Publick Notary of this Colony, that ſo Writings Signed and Paſ'd by him may find the more credit in forreign parts.

Publick Notary Se

In Anſwer to this Quere, the Court thinks fit, that a Buck with this Circumſcription SIGIL. NOTAR. PUB. MASSACHUSET. be the Seal for the Office of the Notary Publick; and do accordingly Order the engraving the ſame in Silver at the Countries Charge.

IT is Ordered that *Benjamin Gerriſh* be the Officer for *Salem* and the Ports annexed, inſtead of the late Mr. *Hilliard Veren*, to demand and receive the Powder Money of all Maſters of Ships and other Veſſels, according to their reſpective Burdens, the ſaid *Gerriſh* giving an Account to the Surveyor General yearly or oftener as the Law directs.

IT is Ordered, that *Nathaniel Clark* of *Newbury* be the Naval Officer for the *Ports* of *Newbury* and *Salisbury*.

FINIS.

A T A

General Court

Called by the Honourable GOVERNOUR on His Receipt of His *MAJESTIES* Letter, to ſit in *Boſton, July the 9th.* 1684. When they Sate there was Made and Paſſed the Law and Order following; And by their Order Printed:

By the Court *Edward Rawſon* Secr.

THis Court being Informed that great Diſorders and Depradations have been committed by ſeveral of His Majeſties Subjects, to the great damage and prejudice of His Majeſties Allies, and contrary to Treaties of Peace, & that good Correſpondence which ought to be maintained between Chriſtian Princes and States, and that ſeveral Perſons contrary to their Duty and good Allegiance have and do go from this Colony into forreign Princes Services, and Sail under their Commiſſions; For the prevention whereof:

It is Ordered and Enacted by this Court and the Authority thereof, that from and after the Publication hereof, it ſhall not be lawful for any perſon that now doth, or hereafter ſhall inhabit, come in or belong to this Colony to ſerve in *America* in any Hoſtile manner under any Forreign Prince, State or Potentate, or any imployed under them againſt any other Forreign Prince, State or Potentate in Amity with

His Majeſty, without ſpecial Licence or Commiſſion firſt had from His *Majeſty*, or the Governour and Company of this Colony under the Colonies Seal, or ſome of His *Majeſties* Governours or other lawful Authority under him elſewhere, for their ſo doing; And that all and every ſuch Offender or Offenders being duely convicted, ſhall ſuffer the pains of Death:

Provided nevertheleſs, that this Act, nor any thing therein contained, ſhall extend to any perſon or perſons which now are, or have been in the Service or Imployment of any Forreign Prince, State or Potentate whatſoever, that ſhall return to this Colony, and leave and deſert ſuch Service and Imployment before the 25*th.* day of *March* next enſuing.

And be it further Enacted by the Authority aforeſaid, that all and every perſon or perſons that ſhall any way knowingly Entertain, Harbour, Counſel, Trade, or hold any Correſpondence by Letter or otherwiſe with any perſon or perſons that ſhall be deemed and adjudged to be *Privateers*, *Pirates* or other Offenders within the conſtructions of this Act, and that ſhall not readily endeavour to the beſt of his or their power, to Apprehend, or cauſe to be Apprehended: ſuch Offender or Offenders, ſhall be liable to be proſecuted as Acceſſaries and Confederates, and ſuffer ſuch Pains and Penalties as by Law is in ſuch caſe provided.

And be it further Enacted by the Authority aforeſaid, that the chief Commiſſion Officer then preſent upon the place in any Town or Harbour where there is no Magiſtrate or other perſon inveſted with like Authority reſiding and at hand, are hereby in their ſeveral precincts within this Colony required and impowred upon his or their knowledg or information given, that any *Privateers*, *Pirates* or other perſons ſuſpected, to be upon any ſuch unlawful deſignes, to graunt Warrants to the Conſtables of the place, to Apprehend and Sieze every ſuch perſon or perſons, and if need be ſhall aſſiſt the Conſtable, and raiſe and Leavy ſuch a number of well-armed men as he or they ſhall think meet for the ſiezing and apprehending of every ſuch perſon or perſons, and carrying them before the Governour or ſome of the Magiſtrates to be further examined, and proceeded againſt as the Law directs.

And in caſe of any reſiſtance or refuſal to yield Obedience to ſuch Authority and Seizure, it ſhall be lawful to kill or deſtroy ſuch perſon or perſons and all and every perſon that ſhall oppoſe or reſiſt by ſtrikeing or firing upon the Officers, or any that are by him commanded for his aid and aſſiſtance, ſhall be deem'd, taken and adjudged Capital Offenders, and be put to death; and every ſuch Officer that ſhall omit or neglect his duty therein, being legally convicted within three moneths after ſuch his neglect ſhall forfeit fifty pounds in currant Money of this Colony for every ſuch offence for the uſe of this Colony.

And every perſon or perſons that upon Orders given him or them ſhall refuſe to repair immediately with his or their Arms well fixed, and Amu-

Amunition to ſuch place or places as ſhall be appointed by the ſaid Officer, and not readily obey his Command in the Execution of the premiſes, ſhall be liable to pay a fine of five pounds in Money, or ſuffer ſuch Corporal Puniſhment as the Magiſtrate or County Court that ſhall have cognizance thereof ſhall determine.

IN *Anſwer to the Petition of ſeveral Taverners and In-keepers Licenſed,* This Court *for the encouragement of the Petitioners and others Licenſed as the Law directs, for keeping Houſes of publick Entertainment; and for their ſecurity againſt the great injuries to them ſuſtained by the irregular Practiſes of all unlicenſed perſons;*

Do Order, that all Tything-men, Grand-jury-men and Conſtables in their reſpective places, diligently inſpect all diſordered Houſes that do contrary to Law Retail Wine, Ale, Beer, Cider, Liquors, *&c.* without Licence, and to proſecute the wholſome Laws made againſt all ſuch Diſorders: And do further Order, that one Complaint made by any Licenſed perſon againſt any that are unlicenſed, for tranſgreſſing in that kind, before any Magiſtrate or County Court, and being legally convicted thereof, every ſuch Complainant ſhall have for his Recompence the one moiety or half part of the fine or fines impoſed upon ſuch Delinquents.

FINIS.

SEVERAL

LAWS

MADE AT THE

General Court

Called to Sit, and Held at *Boſton*, *Sept.* 10th 1684
And Publiſhed by their Order,
Edward Rawſon Secr.

Addition to the Law of Attaints.

WHereas it is found by Experience that the Proviſion made by the Law tit. Jury's *May* 1672. *for relief in caſe of apparent Corruption or Error in the Jury's giving in their Verdict contrary to Law and Evidence is perverted to the burthening of the Countrey with unreaſonable trouble, the great wrong of Parties concerned with unjuſt reflections made thereby upon the Jurys.*

Party attainting to give in writing the cauſe of Attainting before it be allowed.

It is Ordered by this Court and Authority thereof; that in all Attaints before the Entry or Allowance thereof, that the party Attainting ſhall give in writing under his hand for what cauſe, and ſhew how the ſame doth appear ſo to be. And in caſe upon a due

Fine to the Country 10.li. In caſe, and to the former Jury &c. 40s: a peice

And alſo double Coſts and Intereſt to the Party, &c: in caſe:

Trial as the Law provides, the Verdict of the former Jury be confirmed; ſuch party ſo Attainting ſhall pay to the Countrey as a Fine for unneceſſary trouble to the Court *ten pounds* in money, and to the Jury-men that gave in the former Verdict *forty ſhillings* a peice.

And in caſe the charge be for corruption, It ſhall be lawful for the Jury ſo Reproached, joyntly or ſeverally to proſecute their Action of Slander as to them ſhall ſeem meet; And the Plaintiffe reproaching ſhall alſo be liable to ſuch further Fine to the Countrey as the Court ſhall judge meet; Alſo in all Caſes where the former Verdict is confirmed, the party concerned ſhall have double Coſts, and alſo double Intereſt for being detained of his juſt Debt according to former Verdict.

Form for Execution.

To the Marſhal of S. or his lawful Deputy,

YOu are Required in His MAJESTIES Name by Virtue hereof to Levy in Execution of the money of *A. B.* of *B.* the Sum of with two ſhillings more for this Execution, and deliver the ſame unto *C.D.* of or his order, which is to ſatisfie a Judgment the ſaid *C.D.* recovered againſt the ſaid *A. B.* for ſo much in Money (including the Coſts of Court) upon a Tryal between them before the County Court holden in *B.* the of *Anno.* and in want of the Money, or other Eſtate of the ſaid *A. B*'s to the ſatisfaction of the Creditor, you are alike Required to ſeize the Perſon of the ſaid *A. B.* and him commit unto the ſafe keeping of the Priſon-keeper in *B.* until he make payment according to this Execution, or otherwiſe be releaſed by the Creditor, or by order of Law, hereof fail not, as you will anſwer the contrary at your peril, and make return of your doings herein under your hand, as the Law directs, for which this ſhall be your ſufficient Warrant; Dated in *B.*

Form for Executions.

Percuriam.

Mutatis mutandis.

According to the tenour of the Judgment.

THis Court being informed that the number of Perſons allowed to be Licenſed in Boſton *for keeping of Houſes of Entertainment and Retailing Wine and Liquors,* &c. *without doors, are not ſufficient for the accomodation of the Inhabitants and Trade of the Town, by reaſon whereof ſundry Inconveniencies do accrew.*

Do Order, that the County Court of *Suffolk* may Licenſe five or ſix more Publick Houſes in *Boſton*; the Select Men of the Town of *Boſton* yearly approving of the Perſons as meet and fit for that Imployment.

As

AS *an Addition to and Explanation of the Law Regulating the ſize of* Bricks, *made at the General Court,* May 28. 1679.

It is Ordered by this Court and the Authority thereof; That henceforth all Bricks ſhall hold out, and be of the full ſize and dimention expreſſed in the aforeſaid Law, even after they be ſufficiently Nealed or Burnt; And to that end all Moulds for Bricks ſhall henceforth be made of ſuch a convenient ſize or ſcantling, that the ſaid Bricks may and ſhall hold out, and be of the full Dimention preſcribed when they are ſufficiently Nealed or Burnt, as aforeſaid; which ſhall be ſo judged and accounted Merchantable, when as at leaſt three quarters of every parcel of Bricks be hard and through Nealed Ware, and not Samnell Bricks: and for the due obſervation hereof, every Town (where Bricks ſhall be made or ſold, ſhall annually chooſe and appoint two or more able men, each of which ſhall have power to view, divide, and cull all Bricks from time to time, that ſhall be expoſed to ſale; who ſhall be Sworn to the faithful Diſcharge of their Office, and ſhall be allowed four pence for every thouſand of good and merchantable Bricks they ſhall ſo Cull, one half thereof to be paid by the Seller, and the other half by the Buyer; And no Bricks ſhall be ſold or made uſe of before they have been viewed and culled, as aforeſaid, upon the penalty of paying *twenty ſhillings* in Money *per* thouſand, one half thereof to the Town where ſuch Bricks are made or ſold, and the other half to the Informer.

Addition to the Law for ſizing Bricks.

Two Cullers to be annually choſen, their *Recompence:*

FINIS

SEVERAL

ORDERS and LAWS

Made at the Second SESSIONS of the

General Court

Held at *Boſton, Octob:* 15th. 1684. And Printed by their Order:

Edward Rawſon Secr.

Magiſtrates & Commiſſioners power in caſe of Miſdemeanors ſuſpected etc.

IT is Ordered, that in caſe of Miſdemeanour or vehement Suſpition thereof, where no Court is at hand, any Magiſtrate, or Magiſtratical Commiſſioner, by Warrant under his hand or being preſent by his command, may impower any perſon to make Search and Apprehend any Diſorderly Perſon, whereby their Miſdemeanours may be brought forth and puniſhed, and further Evils of like kind prevented; which Man ſo Impowred or Commanded, ſhall in the particular he is Imployed in, have equal power with a Conſtable for requiring Aid and Aſſiſtance.

IT is hereby Ordered; that it may and ſhall be lawful for the Clerks, or Recorders of any and every County Court of this Colony to direct any Execution by them drawn

drawn to the Marſhal General, as well as to the Marſhals of the County, ſo that the perſon who ſhall obtain a Judgment, and take out Execution, may imploy which of them he ſhall ſee meet; Provided alwayes, when any ſuch Execution ſhall be delivered to the Marſhal General, the coſt of it ſhall not be greater than if it had been Served by the Marſhal of the County where the Judgment was granted.

Executions may be ſerved by the Marſhal Gen: in caſe:

THe Conſideration that the Countrey is at great Charges for tranſportation of Pay to Boſton *and* Charlſtown, *from the remote parts of the Colony; as alſo great loſs in Meaſure*:

It is Ordered by this Court and the Authority thereof; that thoſe to whom the Countrey is indebted for Salleries, or otherwiſe, ſhall have order from the Treaſurer to receive their pay in the Towns where they live out of the Country Rates, ſo far as it will reach, or by the next Towns adjacent for what is due in Countrey pay; Provided the Payments ordered by the *Treaſurer* be conveyed to thoſe who are to receive it by the Conſtables at the Countreys charge, to prevent ſo much loſs and coſt for carriage.

Country debts to be paid to all parties in the ſeveral Towns they live in:

WHereas Complaint hath been made to this Court, that Wolves have been taken in one Town and afterward carried into another, and there killed; whereby ſuch other Towns hath been unjuſtly charged.

This Court doth Order and Appoint, that no *Town* or County ſhall be liable to make any payment by vertue of the Law *Title* Wolves, except for ſuch as ſhall be both caught and killed within their Bounds reſpectively; Any Uſage to the contrary notwithſtanding.

Wolves to be caught & killed in the Town bounds or not to be paid for.

FINIS.

AT A
General Court

Held at *Boſton, January* 28. 1684.

WHereas *the* Law *concerning* Building *with Brick or Stone in* Boſton, *ſeems to Prohibit all manner of Building or Buildings, though never ſo ſmall of Wood or Timber; And in regard there is a neceſſity of many convenient Places about Houſes to be built for ſhelter, which cannot be conveniently done with Brick or Stone:*

This Court doth Order, That it ſhall and may be lawful for any Perſon or Perſons to Erect any ſmall Building; Provided, it do not exceed eight Foot ſquare, and ſeven Foot Studd, of Wood or Timber; any Law to the contrary notwithſtanding: Provided they have the Approbation of the Select-men of ſaid Town.

By the COURT,

Edward Rawſon, Secr.

SEVERAL

LAWS AND ORDERS

MADE BY THE

GOVERNOUR AND COMPANY

Of the *MASSACHUSETS BAY* in *NEW-ENGLAND*

AT THE

General Court

Held at Boſton, *May* 27th 1685.

As alſo at a GENERAL COURT Held at *Boſton* on the 14th of *October*, 1685.

And Printed by Order,

EDWARD RAWSON Secretary

AS *an Addition to the Law* tit. *Impoſts*;

It is Ordered by this Court and the Authority thereof; That all Maſters of Ships or other Veſſels, that ſhall bring into our Harbours any Wines, or Strong-waters, the ſaid Maſters ſhall before they break Bulk, give a true and juſt Account, under his or their hand unto the *Naval Officer*, of the quantity, and ſorts of Cask he hath on Board, with the Marks & Numbers of the ſame, & the perſons names to whom it is

Conſigned, or doth belong, upon forfeiture of paying the full duty appointed by Law, if any be found which the ſaid Maſter gave not account of; And that the Owners or Receivers of ſuch Wines or Liquors do before it be landed, make a true Entry with the Officers of the full quantity, upon forfeiture of what ſhall be found more than by them Entred, or the value thereof: And that the Owners, or who ſuch Wines or Liquors are Conſigned to, do pay down, or give under their hands to the Officer for the payment of the duties in ſome convenient time: Provided this bind the Maſter no further than to enter all ſuch Goods for which he hath ſigned Bills of Lading. And if any more appear to be on Board, taken in without the Maſters knowledg, he ſhall have liberty of a Poſt Entry.

WHereas there is a general Complaint in many Towns within this Juriſdiction, of great abuſes offered, and damage to particular perſons, in the laying open of their Proprieties, by breaking, or laying down their Fences, Barrs or Gates; for the prevention of ſuch Diſorders and unlawful actings for the future;

For ſecuring of Fences.

It is Ordered by this Court and the Authority thereof, That any perſon or perſons, who ſhall preſume from, and after the Publication hereof, to break down any Fence, Stone wall, or lay open any Gates or Barrs, break or open any Locks faſtened to ſuch Gates or Barrs ſtanding upon any mans Propriety or Incloſure (unleſs in caſe of claiming and making out of title to ſuch Land) which perſon or perſons, upon due conviction of ſuch offence, ſhall be fined *twenty ſhillings* in money, one half to the uſe of the County, the other half to the party injured; and ſhall alſo be liable to pay all ſuch damage as any perſon may ſuſtain in his Propriety or Incloſure thereby, to be judged of by the Court, or other Authority that ſhall have the cognizance thereof, or otherwiſe to be recovered in a due Proceſs of Law.

Treaſurers power.

IT is Ordered, That every Treaſurer notwithſtanding the expiration of his Office, ſhall have as full power for the proſecution of the ſeveral Conſtables, and collection of the Rates which were iſſued out and committed to them in his time; alſo for the gathering in all other Dues ariſing to the Countrey by virtue of the Laws, tit. *Impoſts*, and *Impoſt on Wine and Strong Liquors* during his Treaſurerſhip, as he was Impowred to do whilſt in that Office.

Time for ſerving Attachments.

IT is Ordered; That all Attachments in Civil Actions between party and party, ſhall be ſerved fourteen dayes incluſive before the Court or time of Trial; any former Law or Cuſtom to the contrary notwithſtanding: And the like time to be attended in giving in Reaſons of Appeal.

AS *an Addition to the Law*, tit. *Wills*:

It is Ordered by this Court and the Authority thereof That

the

the Magiſtrates of each County Court in this Juriſdiction being annually choſen by the Freemen, ſhall have full power and authority (as the Ordinary in *England*) to ſummons any Executor or Executors appointed to the Will of any deceaſed perſon, who have declared his or their acceptance of that Truſt, by offering the ſaid Will for probate, or otherwiſe; requiring him, her or them, to give Bond, with ſufficient Sureties for paying all Debts and Legacies, or to make and exhibit unto the Court upon Oath, a juſt and true Inventory of all the known Lands, Tenements, Goods and Chattels of the Deceaſed; And in caſe ſuch Executor or Executors ſhall neglect or refuſe ſo to do, ſaid Court ſhall proceed againſt ſuch perſon or perſons by impoſing a fine or fines upon them, not exceeding *ten pounds* per *Moneth* for every moneths default after the expiration of the time that ſhall be appointed by the ſaid Court for bringing in an Inventory: And upon complaint of any Creditor or Legatary they ſhall call any Executor or Executors to render an account of his or their Adminiſtration.

The County Courts power with reference to Wills

And it is further Ordered; that the ſaid Court ſhall have full power to receive any Information or Complaint from any Legatee or Creditor againſt any Executor for the detaining any Legacy or any Legacies given by the Teſtator, or Debt due from ſaid Eſtate; and to grant Summons and Proceſs as is uſual in other Caſes for the appearance of ſuch Executor or Executors, at dayes and place aſſigned by the ſaid Court; and upon neglect or refuſal to appear accordingly, the Court ſhall proceed to the hearing of the Complaint, and to make their decree and determination thereon, and to grant forth Execution for the fulfilling thereof; likewiſe to hear and determine all Caſes relating to Wills and Adminiſtrators, and to make their Decrees, and grant Executions thereupon, allowing to the party agrieved liberty of Appeal to the Magiſtrates of the next Court of Aſſiſtants, ſuch parties attending the Law, as in other caſes reſpecting Appeals: Alwayes provided, that where matter of Fact is controverted, then either Plaintiff or Defendant may have a Tryal thereof by a Jury, if it be deſired, with liberty of Appeal to the next Court of Aſſiſtants, as the Law directs; any Law, Uſage or Cuſtome to the contrary notwithſtanding.

F I N I S.

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others. W. H. W.

BY THE

GOVERNOUR AND COMPANY

Of the *MASSACHUSETS BAY* in *NEW-ENGLAND*

AT A

General Court

Held at Boſton, on Adjournment, *Feb.* 16th 1685.

AS an Explanation of and Addition to the Law title Wills; *Whereas the Magiſtrates or Members of the reſpective County Courts have alwayes had power to Receive and Record all Probates of Wills, and of Graunting Adminiſtrations*, &c.

It is further Ordered by this Court and the Authority thereof, That each County Court within this Juriſdiction, ſhall have full power and authority from time to time, as they ſhall ſee cauſe, to Summon any Executor or Executors of any deceaſed Perſons laſt Will and Teſtament legally Proved and on Record, to appear before the ſaid Court, and to Require Him, Her or them to make and exhibit into the Regiſtry of the Court, a juſt and true Inventory upon Oath of all the known Lands, Tenements, Goods and Chattels of the Deceaſed, or to give Bond with ſufficient Sureties for the paying of all Debts and Legacies of the Deceaſed. And in caſe ſuch Executor

or Executors ſhall neglect or refuſe ſo to do for the ſpace of thirty days next after, or ſuch further time that the ſaid Court ſhall to them limit and appoint; the Court ſhall proceed againſt ſuch Perſons by Impoſing a fine or fines upon them, not exceeding *ten pounds* per Moneth for every Moneths default after the expiration of ſaid time ſo appointed. Alſo upon the complaint of any Creditor or Legatary, to call any Executor or Executors to render an Accompt of his or their Adminiſtration.

And it is further Ordered by this Court and Authority thereof, that the County Courts reſpectively ſhall have full power to receive any Information or Complaint from any Legatary or Creditor againſt the Executor or Executors to the Will of any deceaſed Perſon, for the detaining from Him, Her or Them any Legacy or Legacies given by the Teſtator, or Debt due from the Eſtate of ſuch Teſtator; and to grant forth Summons or Proceſs, together with a Copy of ſaid Complaint or Information annexed for the appearance of ſuch Executor or Executors before ſaid Court; the ſaid Warrant with the Libel annexed, to be ſerved *fourteen dayes* incluſively before the day appointed for Appearance: And it ſhall be in the power of the Court to Order the time of Hearing, at their firſt Seſſions, or at any Adjournment of ſaid Court, as to them ſhall ſeem meet; and upon neglect or refuſal of ſuch Perſon or Perſons to appear accordingly, the Court ſhall proceed to the Hearing of the Caſe, and make their Judgment or Decree therein, and grant forth Execution for the fulfilling thereof; likewiſe to Hear and Determine all Caſes relating unto Wills and Adminiſtrations, and to grant forth Execution upon their Judgment given therein.

Alwayes provided that where matter of Fact is controverted then either Plaintiff or Defendant, deſiring the ſame before Iſſue joyned, may have a Trial thereof by a Jury, to be forthwith Summoned by Warrant from ſaid Court, if there be no Jury then Impannelled; the ſaid party or parties making their whole Plea or Allegation as to all matters of Fact, at their firſt hearing and Anſwer, that Juſtice may not be delayed: allowing liberty for any party agrieved at the Judgment and Determination of the Court, or Verdict of the Jury, to Appeal to the next Court of Aſſiſtants, giving in their Reaſons of Appeal as the Law directs in other Caſes. And every Perſon before his Complaint be received and admitted, ſhall give Caution unto the Court to the value of *ten pounds* in Money to reſpond all ſuch Charges and Fees as the Court ſhall award, any Law, Uſage or Cuſtome to the contrary notwithſtanding; Provided this Law ſhall not be underſtood to debar any perſon or perſons from Proceeding in the former and uſual courſe of Law for the recovery of any Debt, or Legacy due from the Eſtate of any Deceaſed perſon, expreſly determined by Will.

And the Law Intituled *An Addition to the Law* title *WILLS*, Made *Octob.* 14th 1685. is hereby Repealed.

By the Court, *EDWARD RAWSON* Secretary.

APPENDIX.

In Hutchinson's volume, besides the various supplementary sheets of the Laws, he inserted several other broadsides issued by the secretary which did not seem to belong in the text. With two exceptions, these were orders of the Council, distinct, of course, from Laws made by the General Court. He also inserted two laws in manuscript, and it has seemed best to reprint these.

The documents are as follows: —

1. After p. 43 (my page *243*) he inserts the Council Order of April 4, 1676. (See p. *337*.)

2. Also three pages of Sunday Laws about Tythingmen; apparently a special issue or compilation for their use. (See pp. *339–341*.)

3. After p. 48 (my page *248*) he inserts the Court Order of May 3, 1676, about Soldiers impressed. This is merely a separate reprint of the law printed on p. *246*, and therefore does not deserve a place in the text.

4. He also inserts here the Council Order of March 29, 1677. (See p. *345*.)

5. He also inserts the Council Order of April 9, 1677. (See p. *347*.)

6. After p. 59 (my page *259*) he inserts the Council Order of March 28, 1678. (See p. *349*.)

7. After my page *285* he inserts the manuscript of the Law of March 16, 1680–1, about Innkeepers. (See p. *351*.)

8. After my page *327* he inserts the manuscript of the Law of March 18, 1684–5. (See p. *353*.)

9. After the last-named he adds the Council Order of April 2, 1685. (See p. *355*.)

W. H. WHITMORE.

AT A

COUNCIL

Held at *BOSTON*, April the *4th.* 1676.

WHereas divers Inhabitants are retired from out Towns into the nearer Towns, and there make their preſent abode: and it is of publick concernment that all ſuch be under due Government and Improvement:

It is Ordered, That the Select Men in each Town ſhall immediately upon the receipt of this Order, and ſo from time to time apply themſelves with all diligence to take a particular account of all Perſons and Families ſo coming unto them, requiring them if need be to appear before them that they may be fully informed of their ſtate and way of living, and how they diſpoſe of themſelves: And the ſaid reſpective Select Men are further impowred and required to take effectual care that the Incomers aforeſaid ſettle themſelves, or be by them ſettled in ſome orderly and diligent way of Imployment and Government, eſpecially ſingle and younger perſons, who are all of them hereby required to yield Obedience unto the Diſpoſal and Order of the Select Men accordingly.

By the COUNCIL

Edward Rawſon Secr.

SUNDRY LAWS

Made by the General Court Wherein the Duty of Tything Men is expreſſed, viz.

IT is Ordered; That all private unlicenſed Houſes of Entertainment be diligently ſearched out, and the penalty in the Law ſtrictly impoſed; and that all ſuch Houſes may be the better diſcovered, the Select-men of every Town ſhall chuſe ſome ſober and diſcreet perſons, to be authorized from the County Court, each of whom ſhall take the charge of ten or twelve Familyes of his Neighbour-hood, and ſhall diligently inſpect them, and preſent the Names of ſuch perſons ſo tranſgreſſing to the Magiſtrate, Commiſſioner, or Select-men of the Town, who ſhall return the ſame to be proceeded with by the next County Court, as the Law directs; and the perſons ſo choſen and authorized, and attending their duty faithfully therein, ſhall have one third of the Fines allowed them, but if neglective of their duty, they ſhall incur the ſame penalty provided againſt unlicenſed Houſes. Made *Octob.* 15. 1675.

Tything-men to inſpect unlicenſed Houſes

WHereas the ſin of Idleneſs (which is a ſin of Sodom*) doth greatly increaſe, notwithſtanding the wholſome Laws in force againſt the ſame: As an Addition to that Law.*

This Court doth Order; that the Conſtable with ſuch other perſon or perſons whom the Select-men ſhall appoint, ſhall inſpect particular Familyes, and preſent a Liſt of the Names of all idle perſons to the Select-men, who are hereby ſtrictly required to proceed with them as already the Law directs, and in caſe of obſtinacy, by charging the Conſtable with them, who ſhall convey them to ſome Magiſtrate by him to be committed to the houſe of Correction.

Idle perſons to be inſpected, &c.

THis Court being deſirous to prevent all occaſions of Complaint referring to the profanation of the Sabbath, and as an addition to former Laws;

Do Order and Enact; That the Select men do ſee to it that there be one man appointed to inſpect the ten Familyes of their Neighbours, which Tything-man or men ſhall, and hereby have power in the abſence of the Conſtable to apprehend all Sabbath-breakers, Diſorderly-Tiplers, and ſuch as keep licenſed Houſes, or others that ſhall ſuffer any Diſorders in their Houſes on the Sabbath day, or evening after, or at any other time, and to carry them before a Magiſtrate or other Authority, or commit to priſon (as any Conſtable may do) to be proceeded with according to Law.

To inſpect Sabbath-breaker

And

And for the better putting a reſtraint and ſecuring Offenders that ſhall any way tranſgreſs againſt the Laws *Tit.* Sabbeth, either in the Meeting-houſe by any abuſive carriage or misbehaviour, by making any noiſe, or otherwiſe, or during the day time being laid hold on by any of the Inhabitants, ſhall by the ſaid perſon appointed to inſpect this Law, be forthwith carryed forth and put into a Cage in *Boſton* which is appointed to be forthwith by the Select-men ſet up in the Market place, and in ſuch other Towns as the County Courts ſhall appoint, there to remain till Authority ſhall examine the perſon offending, and give order for his puniſhment, as the matter may require, according to the Laws relating to the Sabbath. Made *May* 23. 1667.

To inſpect the taking the Oath of Fidelity.

IT is Ordered by this Court and the Authority thereof; That the Law *Tit.* Oathes and Subſcriptions, *pag.* 120. Sect. 2. requiring all perſons, as well Inhabitants as Strangers (that have not taken it) to take the Oath of Fidelity to the Country, be revived and put in practice through this Jurisdiction. And for the more effectual execution thereof, It is Ordered by this Court; That the Select men, Conſtables, and Tything-men in every Town, do once every quarter of a year ſo proportion and divide the precincts of each Town, and go from houſe to houſe, and take an exact liſt of the Names, quality and callings of every perſon, whether Inhabitant or Stranger, that have not taken the ſaid Oath, and cannot make due proof thereof; and the Officers aforeſaid are hereby required forthwith to return the names of ſuch perſons unto the next Magiſtrate or County Court, or chief Military Officer in the Town where no Magiſtrate is, who are required to give ſuch perſons the ſaid Oath preſcribed in the Law, wherein not only Fidelity to the Country, but Allegiance to our King is required. And all ſuch as take the ſaid Oath ſhall be Recorded and Enrolled in the County Records by the Clerk of each County Court. And all ſuch as refuſe to take the ſaid Oath they ſhall be proceeded againſt as the ſaid Law directs. And further, this Court doth Declare; That all ſuch refuſers to take the ſaid Oath, ſhall not have the benefit of our Laws to Implead, Sue, or recover any Debt in any Court or Courts within this Jurisdiction, nor have protection from this Government whileſt they continue in ſuch obſtinate refuſal.

And furthermore, It is Ordered; That if any Officer intruſted with the Execution of this Order, do neglect, or omit his or their duty therein, they ſhall be fined according to their demerits, not exceeding five pounds for one offence, being complained of, or preſented to the County Courts or Court of Aſſiſtants. And this Law to be forthwith Printed and Publiſhed, and effectually executed from and after the laſt of *November* next. And that all perſons that adminiſter the Oath aboveſaid, ſhall in like manner make return of the Names of ſuch perſons ſo ſworn to the reſpective Clerks of the County Courts. Made *October* 10. 1677.

AS an Addition to the late Law made in May laſt, for the prevention of the Prophanation of the Sabbath, and ſtrengthening the hands of Tything-men appointed to inſpect the ſame:

Further direction & power about the Sabbath.

It is Ordered that thoſe Tything-men ſhall be, and are hereby appointed and impowred to inſpect publick Licenſed Houſes as well as private, and unlicenſed Houſes of entertainment; as alſo [*Ex Officio*] to enter any ſuch Houſes, and diſcharge their duty according to Law: And the ſaid Tything-men are impowred to aſſiſt one another in their ſeveral Precincts, and to act in one anothers precincts with as full power as in their own, and yet to retain their ſpecial charges within their own bounds.

And it is Ordered, That the whole Fine raiſed by the penalty of this Law upon Delinquents, either in publick or private Houſes, ſhall be remitted to the County Treaſurer, and the Tything mens allowance made payable from him.

IT is Ordered by this Court and the Authority thereof, that henceforth the Select men of each Town take care that Tything-men be Annually choſen in their ſeveral precincts of their moſt prudent and diſcreet Inhabitants, and ſworn to the faithful diſcharge of their truſt (where no Magiſtrate or Commiſſioners are) before the Select men of the place, and the ſaid Tything men are required diligently to inſpect all houſes licenſed, or unlicenſed, where they ſhall have notice, or have ground to ſuſpect that any perſon or perſons do ſpend their time or Eſtates by night or by day; in Tipling, gaming, or otherwiſe unprofitably, or do ſell by retayle within doors or without, ſtrong drink, wine, ale, Cider, Rhum, Brandy, Perry, Metheglin, *&c.* without licenſe, and into ſaid houſes where ſuch diſorders ſhall by them be found, they may, and are hereby required and impowred to enter into and make ſearch in their Cellars, or any other places within or about the ſame where they may ſuſpect, or have notice, that Wines, ſtrong beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, *&c.* are lodged; and in caſe they ſhall find any quantity of either, whereof the Owners do not give ſaid Tything-men a ſatisfactory account of their having the ſame, any three of them agreeing, they ſhall by Warrant from any Magiſtrate, or Commiſſioners inveſted with Magiſtratical power, or (where no Magiſtrate is within five miles of the place) they ſhall without Warrant requiring the aid of the Conſtable, ſeize, carry away, and ſecure all ſuch Wines, ſtrong Beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, *&c.* and preſent an account thereof with the names of the perſons from whom they took it to the next Magiſtrate, or Commiſſioner of the Town where any be that are inveſted with Magiſtratical power, who may, and are hereby impowred to proceed againſt ſaid delinquent partyes, and diſpoſe of ſaid Wines, ſtrong Beer, *&c.* as to them ſhall ſeem meet; and if for value more then ten pounds, they are then to bind ſaid partyes over to the County Court, to be there proceeded againſt as the Law directs. In all which Caſes full recompence ſhall be made to the Tything-men, and other Officers for all their care, trouble & expences in ſearching and ſecuring ſaid goods, and the remainder of the Goods ſeized, or value thereof, where the Magiſtrate, County Court, or Commiſſioners Court, that have orderly Cognizance thereof, ſhall not ſee reaſon to return the ſame to the partyes from whom it was taken, the ſame ſhall be put into the County Treaſury.

Tything-men to be annually choſen,

Alſo the Tything men are required diligently to inſpect the manner of all diſorderly perſons, & whereby more private admonitions they will not be reclaimed, they are from time to time to preſent their names to the next Magiſtrate, or Commiſſioner inveſted with Magiſtratical power, who ſhall proceed againſt them as the Law directs, as alſo they are in like manner to preſent the names of all ſingle perſons that live from under Family Government, ſtubborn & diſorderly Children & Servants, night-walkers, Typlers, Sabbath-breakers, by night or by day, and ſuch as abſent themſelves from the publick Worſhip of God on the Lords dayes, or whatever elſe courſe or practice of any perſon or perſons whatſoever tending to debauchery, Irreligion, prophaneſs, and Atheiſm amongſt us, whether by omiſſion of Family Government, nurture and religious dutyes and inſtruction of Children and Servants, or idle, profligate, uncivil or rude practices of any ſort, the names of all which perſons with the fact whereof they are accuſed, and witneſſes thereof, they ſhall preſent to the next Magiſtrate, or Commiſſioner, where any are in the ſaid Town inveſted with Magiſtratical power, who ſhall proceed againſt and puniſh all ſuch miſdemeanours by Fine, Impriſonment, or binding over to the County Court as the Law directs.

Tything-Mens Oath.

WHereas you A. B. are choſen a Tything-man within the Town of D. for one year, until others be choſen and ſworn in your room and ſtead, you do here ſwear by the living God that you will diligently endeavour, and to the utmoſt of your Ability perform and intend the duty of your place according to the particulars ſpecified in the Laws peculiar to your Office, So help you God.

By the Court, Edward Rawſon, Secr.

GENERAL COURT

Held at Boſton *the* 3d. *of May*

1676.

THis COURT taking into Conſideration the great Diſappointment the Countrey hath ſuffred by reaſon of non-appearance of Souldiers Impreſſed for ſeveral expeditions: Do judge meet that every perſon Impreſſed as a Souldier for the Service of the Country, and neglecting to make his appearance according to Order: every ſuch Foot Souldier ſhall pay the ſum of four Pounds, and every Trooper ſhall pay the ſum of ſix Pounds: and if their neglects or refuſal be accompanied with Refractorineſs, Reflection or Contempt upon Authority, ſuch perſons ſhall be puniſhed with Death, or ſome other grievous puniſhment.

And the Committee of Militia in the ſeveral Towns where the offence is committed are hereby impowred and required to call before them all ſuch as ſhall be Delinquents as is above expreſſed, and on Conviction of their neglect to give Warrant to the Conſtable to levy the ſaid fines, which ſaid fines ſhall be improved to purchaſe Arms for the Towns uſe; Provided it ſhall be in the power of the Council upon Petition of any perſon agrieved, and juſt reaſon alleadged and proved to make abatement of the ſaid fines as in their wiſdome and diſcretion they ſhall judge meet. And it is hereby Ordered that the return of all neglects and defects in the caſes aforeſaid, be ſent to the Committee of Militia in the ſeveral Towns, who are hereby required to take care for the ſtrict Execution hereof.

By the COURT *Edward Rawſon* Secr.

At a Court

Held at Boſton *in*

NEVV-ENGLAND

the 29th. *of March, 1677*

THE COUNCIL *being informed, that ſome ſtrange Indians, who have been in Hoſtility againſt us or have lived amongſt ſuch, are brought into this Juriſdiction, and bought by ſeveral perſons, which cauſeth much trouble and fear to the Inhabitants where they reſide, and may be of dangerous conſequence. not only to the Towns where they live, but to the whole Juriſdiction, if not timely prevented:*

It is therefore Ordered that what perſon ſoever within this Juriſdiction ſhall hereafter buy or keep above ten dayes after the publication hereof, any ſuch Indian, Man or Woman already bought, above the age of twelve years, without allowance from Authority, ſhall beſides the forfeit of ſuch Indian or Indians, pay the fine of five pound to the Treaſurer of the Country, and the Conſtables of the ſeveral towns are ordered forthwith to publiſh this Order in their Precincts.

By the COUNCIL, Edward Rawſon *Secr.*

At A COUNCIL
Held at Boston the 9th. of April, 1677

THe COUNCIL *being informed, that among other Evils that are prevailing among us, in this day of our Calamity, there is practiſed by ſome that vanity of Horſe racing, for mony, or monyes worth, thereby occaſioning much miſpence of pretious time, and the drawing of many perſons from the duty of their particular Callings, with the hazard of their Limbs and Lives.*

It is hereby Ordered that henceforth it ſhall not be Lawful for any perſons to do or practiſe in that kind, within *four miles* of any Town, or in any *High way* or *Common Rode*, on penalty of forfieting *twenty Shillings* apiece, nor ſhall any Game or run in that kind for any mony, or monyes worth upon penalty of forfieting Treble the value thereof, one half to the *partys forming*, and the other half to the *Treaſury*, nor ſhall any accompany or abbett any in that practice on the like penalty, and this to continue til the General Court take further Order.

And all *Conſtables* reſpectively are hereby injoyned to preſent the Names of all ſuch as ſhall be found tranſgreſſing, contrary to this Order to the *Magiſtrate*.

Dated the *ninth of April*, 1677

By the Council

Edward Rawſon Sec.

AT A

COUNCIL

Held at Boſton, *March* 28. 1678.

WHereas many Complaints have been made, that ſeveral Perſons have been killed by ſuch as have pretended to have ſhot at Fowle, birds &c. *and that in or near High-wayes; and many take the boldneſs upon them, Youths and grown Perſons, too frequently to ſhoot within the Limits of Towns, Orchards, Gardens,* &c. *with bullets, greater or ſmaller ſhot, on pretence of ſhooting at Marks, Birds, Fowle* &c. *whereby Perſons are endangered to be killed in their Gardens, Orchards, or adjacent Commons; To prevent ſuch inconveniences and miſchiefs for the future,*

It is hereby Declared and Ordered, That all or any Perſon or Perſons of what age or Condition ſoever, that ſhall from henceforth preſume to ſhoot off any Gun or Guns, charged with Bullet or Bullets, Swan, Gooſe, or other ſhot towards any Mark or place that the Militia in ſuch Town or Towns have not appointed; or ſo near or into any Houſe, Barn, Garden, Orchards or High-wayes in any town or towns of this Juriſdiction, whereby any perſon or perſons ſhall or may be killed, wounded, or otherwiſe damaged, ſuch perſon or perſons ſo offending ſhall be proceeded againſt either as Murtherers, or ſuch as have wounded or damaged any perſon or perſons in ſuch place or places, ſhall be liable to anſwer it, and to make full ſatiſfaction in all reſpects to ſuch perſon or perſons both for cure and damage; and be alſo liable to ſuch further puniſhment as the Authority of the place that hath Cognizance of the offence ſhall appoint: And where either they be Servants, or Youths under their Parents or Maſters and ſhall not be able to make ſuch ſatisfaction, ſuch Parents or maſters ſhall be liable to make full and due ſatisfaction in all reſpects: And the Select men of each town are hereby appointed to ſee that this be put in execut

By the Council. *Edward Rawſon* Secr

A T A

General Court

Held 16 MARCH, 1680-1.

AS an addition to the Law title INKEEPERS, Sect. 1:

IT is Ordered by this Court and the Authority thereof that for the futuer the Select men of all Towns shall approve of all Persons to be Licensed before Licence be granted to any of them by the County Courts to Keepe such Publique House or be Retailer of Strong Liquors in any of the said Towns, and all Persons shall annually renew there Licenc at the Spring Court in there respective Countys.

2. Before any Licence be granted the Granjury shall bring in there Presentments, and in case any Licenced Persons shall be presented or prosecuted by the Select men or any other for transgressing the Law refering to such Persons and be legally Convicted, besides the Penalty which the Law appoints as a Punishment for there Misdemeaner there Licence shall not be renewed untill the Fine be paid, and upon a Second Conviction they shall forfeit there Licence and the Persons annualy licenced after the first day of October next shal not exceed, *viz*, in Boston, *six Wine Taverns, ten Inholders and eight Retailers of Wine and Strong Liquors out of doors;* In Salem, *Wine Taverns, two; Inholders, fower; Retailers for Wine and Strong Liquors, fower.* In Charlestowne, *three Publique Houses and one Retailer for Wine, etc., out of doors.* In Ipswich, *two Publique Houses and one Retailer for Wine.* In Gloster, *two;* Lynn, *two;* Hingham, *two;* Newbery, *two Publique Houses.* And in no other Towne in this Jurisdiction more than *one* such Publique House or Retailer.

3. It is hereby declared Lawfull for any of the County Courts to punish the Transgressors of this Law by Fine, Imprisonment or Corporal Punishment not exceeding Ten Stripes for the First Ofence.

This Court Judgeth it meet to grant the Towne of Boston Liberty for the futuer to send Three Deputys to the General Court.

Castle Souldjers are to be alowed Head Money but for one Rate only in the Yeare.

As a furthur Addition to the 4th Sec. of the Law title Townships:

It is Ordered that the Inhabitants of every Town qualified as in the said Law is Exprest may Choose any of there Towne for Constables, Select Men or Jurors, althoe not Rated as is expressed in said Law. And such Persons as shalbe so chosen and officiating accordingly shall forever after have free liberty to choose and be chosen to any of the said Places and Trusts as any other of the said Towne.

And it is further Ordered that all Military Commission Officers whilste in Commission are free from being chosen Constables in this Jurisdiction.

BY THE

'GOVERNOUR and COMPANY

of the MASSACHUSETS BAY in *NEW ENGLAND.*

ATT A

General Court

Held at BOSTON BY ADJOURNMENT *from the 28th of JANUARY to the 18th of MARCH, 1684.*

WHereas *this Court for Prevention of questions and Suits at Law that might arise upon Deeds and Conveyances of Houses and Lands wherein the word* (heire) *if omitted when an Estate of Inheritance is intended to be passed, did by the Law,* tit. *Conveyances, Deeds and Writings, Sec. 2:*

Order, that in all Deeds and Conveyances of Houses and Lands in this Jurisdiction wherein an Estate of Inheritance is to be passed, it shall be expressed in these words or to the like effect, viz: *to have and to hold the said House or Land respectively to the Party or Grantee his Heires and Assigns forever,* and therein provided that Law should not extend to any Land granted or to be granted by the Inhabitants of any Towne, thereby intending although it is not so plainly expressed, that such grants of Lands by Towns are an Estate in fee simple, not withstanding the word *Heires and Assignes forever* are therein omitted, the afforesaid Law being intended for the direction of Private Persons only in their particular Deeds and Conveyances of Lands from one to another.

As an Explanation of said law, *tit, CONVEYANCES, DEEDS and WRITINGS* and Addition thereunto, It is therefore by this Court and the Authority thereof Ordered, Enacted and Declared, that all [such] Orders or Grants of Lands heretofore made by this Court, or by any Towne or Towns in this Jurisdiction were and are intended and shal be Construed and Judged in the Law to be an Estate in fee simple, and are hereby Confirmed to the said Persons and Townships their Heires and Assignes respectively forever. Provided all ways that such Grants as do expressly declare otherwise, *viz, to be for Terme of Life or for Terme of Years, or during Plesure* or the like shal not be Included in this explanation or Law. And when any Person or Persons shall take out any exemplification of any such Grant of this Court under the Secretaryes Hand and desire the Seale of this Colony to be affixed thereunto, the Governor for the time being is hereby ordered and impowered in his Testimoniall to Insert that *the said Grant of Land is Confirmed by the General Court held at Boston March 18, 1684, to the said Grantee or Grantees and to their Heires and Assignes respectively forever.*

By the COURT,

EDWARD RAWSON, Secretary.

This Law was fairly engrossed on parchment and the Seal of the County, and so published by order of the General Court and left on file with the Secretary.

[NOTE : — The reader is requested to consult also the Colonial Records as printed in 1854, Vol. V., page 473, for a correction ordered in this Law, by striking out the word *such* in the fourth line of the second paragraph. I have put it in brackets in the text, though Hutchinson omitted it.— W. H. WHITMORE.]

BY THE

GOVERNOUR AND COUNCIL

Aſſembled at BOSTON *the* 2d. of *April*, 1685.

To all His *MAJESTIES* Subjects within the Government of the

MASSACHUSETS COLONY.

FOrasmuch as we are credibly Informed, *that there is a Ship of about three Hundred Tonns that hath for ſome time been eruſing on the Coaſt, between* Martyns Vineyard *and* Cape Cod, *without the Limits of this* Colony, *whereof* Chriſtopher Goffe *is Captain, and one* John Salter *is Maſter, and by our beſt Information is juſtly deemed and vehemently ſuſpected to have been Wickedly and Piratically taken from ſome of His MAJESTIES Allies in the* Weſt Indies, *and doth further appear to be true by their not coming under Command: Now that no Perſon or Perſons may plead ignorance of His MAJESTIES Proclamation, or of the Law Made and Publiſhed by the Governour and Company of this His MAJESTIES Colony agreeable thereunto, bearing Date,* July 9th. 1684.

Theſe are therefore in His MAJESTIES Name, ſtrictly to Charge and Require all Perſons whatſoever within this Juriſdiction, not to reſort unto, or in any wiſe joyn themſelves with ſaid *Goffe* or his Company, nor to receive or conceal any of the Goods coming out of ſaid Ship, nor nouriſh or comfort in any kind Entertain, Harbour, Counſel, Trade, or hold any Correſpondence by Letter or otherwiſe with them the ſaid *Goffe* or Company, contrary to ſaid Law, and under the penalty therein provided.

By Order, *Edward Rawſon* Secr.

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